



## **Allocation Policy (interim)**

Approved by FPHA Board on 27 March 2019	Signed by Chair
Date of next Review March 2022	

# **1. Introduction**

## **1.1 About this policy**

This Allocation Policy sets out how we will allocate our homes when they become available for let. By allocating we mean the process of selecting people from our housing register, offering them a house and, if they accept, signing a tenancy agreement with them.

Housing applicants are assessed using a points system and the policy has a clear focus on meeting housing need. It replaces all previous allocation policies. We will review the policy every 3 years, unless changes in legislation, regulation or the results of performance monitoring require otherwise.

## **1.2 Our policy aims**

We are committed to providing high quality, affordable housing that meets housing needs. When allocating properties, we will aim to:

- Make sure we offer people accommodation that meets their needs.
- Maximise housing options.
- Make best use of the properties that are available for let.
- Help build sustainable communities by creating successful and sustainable tenancies
- Work to provide excellent customer services to those seeking housing with us
- Meet all our legal obligations and operate under the principles set out in the Scottish Social Housing Charter.

We will do this by taking an approach to allocating homes that:

- Is fair, open and transparent.
- Takes a consistent approach to decision-making.
- Promotes equality.
- Treats all applicants with respect, including respecting the confidentiality of information given to us.

### **1.3 Equality and diversity**

We are committed to preventing discrimination and providing equal opportunities for everyone who applies to us for housing. In applying this policy, we will not discriminate against any individual, household or group on grounds of race, gender, sex, marital status/civil partnership, gender reassignment, sexual orientation, pregnancy or maternity, religion or belief, language, social origin, disability, age or other personal attribute.

We will make this policy available in alternative formats such as large print or Braille on request. Translation services for other languages can also be made available. We will arrange for an interpreter if you speak a language other than English. We can also provide a British Sign Language interpreter if required.

### **1.4 Confidentiality and data protection**

Any information given to us as part of the application process will be processed in compliance with Data Protection legislation.

You can ask to look at the information held on your record. If you wish to do this, you should make a written request. We will respond within one calendar month.

We will not keep your personal information longer than is needed.

### **1.5 Law, good practice and the Scottish Housing Charter**

This policy has been developed to be compliant with housing and other relevant legislation. A list of the laws which have been taken into account are:

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Human Rights Act 1998
- Equality Act 2010
- Homelessness etc. (Scotland) Act 2003
- Data Protection Act 1998 and the EU General Data Protection Regulation
- The Civil Partnership Act 2005
- Access to Personal Information (Housing) (Scotland) Regulations 1993

- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Anti-Social Behaviour Act 2004

This policy has been developed in line with good practice from the Scottish Government, the Scottish Housing Regulator, the Scottish Federation of Housing Associations and the Chartered Institute of Housing.

The Scottish Housing Regulator (SHR) is the independent regulator for landlord services provided by local authorities and Registered Social Landlords (RSLs) and statutory homelessness services provided by local authorities. We are required to provide information to, and are regulated by, the SHR. The SHR uses the outcomes and standards in the Scottish Social Housing Charter (SSHC) to assess the performance of social landlords.

The particular SSHC outcomes that have been considered in the development of this policy are:

**Outcome 1:** Equalities

Social landlords perform all aspects of their housing services so that:

Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

**Outcome 2:** Communication

Social landlords manage their businesses so that:

Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides

**Outcome 4:** Quality of housing

Social landlords manage their businesses so that:

- *tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) by April 2015 and continue to meet it thereafter, and when they are allocated, are always clean, tidy and in a good state of repair.*

### **Outcome 7, 8 & 9: Housing Options**

Social Landlords work together to ensure that:

- People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.
- Tenants and people on housing lists can review their housing options.
- People at risk of losing their homes get advice on preventing homelessness.

### **Outcome 10: Access to Social Housing**

Social Landlords ensure that:

People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

Further information can be found on the Scottish Government's website at:

<http://www.gov.scot/Publications/2012/03/2602>

## **1.6 Developing and reviewing this policy**

We will consult with housing applicants, tenants, registered tenant organisations and others when developing and making changes to this policy.

We will review this policy every three years, or earlier if required in light of changes in the law or good practice guidance.

## **2. Making an application**

### **2.1 Who can apply?**

Anyone aged 16 years or over is entitled to apply and be placed on the register, provided they are eligible to receive an offer of housing.

You can make a joint application with another person or people who want to live with you, even if you are not living in the same household at the moment.

## **2.2 Information and advice for applicants**

We recognise the importance of offering high quality information and advice to those applying for housing with us. Applicants can ask us for a housing options interview at any time. We will provide information on:

- How we will process your application.
- How long it will take to process and decide on your application.
- Affordability, including the average cost of renting a property.
- The number of properties we think are likely to become empty taking into consideration the area and house types you have selected

The demand for our homes is considerably higher than the supply and not everyone who applies for housing will receive an offer. This is most likely to be the case if you have no or low-level recognised housing need and/or you have chosen areas and house types for which demand is high and the number of properties becoming available is low.

However, for areas and house types where demand is lower and more properties become available, you may have a greater chance of being made an offer. We will give you realistic advice about the likelihood of being re-housed based on the choices you have made. We will also provide information on opportunities to find housing with other social landlords in Renfrewshire.

If you cannot call into our office because you have health or mobility problems, a member of staff can visit you at home or arrange a telephone interview.

## **2.3 Information provided by applicants**

It is important for us to have accurate and up-to-date information on your circumstances. If you fail to provide the necessary information to support your application, this may mean that your application cannot be fully assessed. We will ask you to provide any required information and will re-assess your application once that information has been received. If we do not receive the information we require within 30 days, your application may be cancelled.

If you deliberately provide false or misleading information, or withhold information, your application may be suspended. Any offer of housing that has been made may be

withdrawn and if a tenancy has been granted on the basis of false information, we can take legal action to end your tenancy.

You must tell us if your circumstances change as this could affect your housing application. Changes of circumstances might include you moving to a new house, someone moving into or out of your current home, or someone having a baby. Changes such as these could affect the size of property you require and how your housing need is assessed. It is important that you contact us to tell us about the changes.

## **2.4 Persons who are subject to Immigration Control**

People subject to immigration control must declare this on the application form. Eligibility for housing will require to be assessed in terms of Housing (Scotland) Act 2014 and asylum and immigration legislation. People may remain on the housing list, but will be asked to provide evidence of their immigration status before we can confirm if they are eligible for an offer of housing.

If we cannot establish the identity of an applicant (or a member of their household), the Home Office can be contacted. The Home Office will then have 48 hours to provide their own verification, otherwise the landlord is free to allocate, and without penalty, should there be illegal immigration involved.

## **2.5 Applications from Staff or Board Members**

Applications made by staff and Board members will be accepted onto the housing register in the same way as other applicants. We will comply with all relevant legislation, regulatory guidance and best practice in dealing with any of these applications.

To make sure that no-one benefits from a personal connection, applicants will be asked and required to declare whether they are related to a member of staff or a board member. Further information will be set out in the housing application form.

### 3. Assessing what size of home you need

#### 3.1 Number of bedrooms

We will work out the number of bedrooms that you require based on who will be living with you. Although we want to give you as much choice as possible, we need to balance this with making best use of the homes that become available. We also want to work with you to make sure your choices are affordable.

Our starting point will be to assess the number of bedrooms required as follows:

- Couples qualify for one bedroom.
- Single adults over age 16 qualify for one bedroom.
- Two children of the same gender under the age of 16 qualify for one bedroom.
- Two children under the age of 10, regardless of their gender, qualify for one bedroom.
- Children of different genders qualify for a bedroom each once they reach 10 years old, unless there is another child in the household of the same gender with whom they could share a bedroom.
- Where there is more than 5 years age difference between two children they qualify for a bedroom each regardless of their gender e.g. an application from a household consisting of a mother and two daughters aged 12 and 6 will qualify for a 3 bedroom property as the sisters are entitled to their own bedrooms.
- No more than two people are expected to share a bedroom.
- Where an applicant or other members of the household is pregnant, we will include their unborn child/children in the bedroom calculation 3 months before the due date.

Household Type	House size
Single adult	1 bedroom
Couple	1 bedroom
Couple or single adult with 1 child	2 bedrooms
Couple or single adult with 2 children	2 or 3 bedrooms (depending on the age and gender of the children)

Couple or single adult with 3 children	3 or 4 bedrooms (depending on the age and gender of the children)
Couple or single adult with 4 children	3 or 4 bedrooms (depending on the age and gender of the children)
Couple or single adult with 5 or 6 children	4 bedrooms (depending on the age and gender of the children)

Some of our bedrooms are single bedrooms. If a bedroom has been classed as a single bedroom, any offer made will be based on only one person occupying that bedroom.

We will aim to make good use of each property becoming available by offering it to a household that qualifies for a property of the size available. However, if there is limited interest in a property amongst those qualifying for a property of that size, we may consider making offers to other households.

There is a limited supply of larger properties. If you need a property with 4 or more bedrooms we will work with you to make sure that your area choices maximise your chance of being made an offer. However, given our stock limitations and lack of suitable supply of appropriately sized homes, we may in some circumstances have to make an offer of a property that will reduce a household's overcrowding or under occupying, but may not be the size that they qualify for. This will only be done under exceptional circumstances to improve a household's overall housing situation.

We will assess the size of property required according to the normal composition of the applicant's household, including children who live away from home during term time.

### **3.2 Child residence, contact and access arrangements**

Where a child/children stay with an applicant less than an average of 3 nights a week, the applicant will qualify for an addition bedroom for the child/children. This will be one bedroom irrespective of the number of children who stay with the applicant on a part-time basis. This bedroom would not be taken into account when assessing any priority based on overcrowding.

For applicants with overnight access arrangements that are shared on an equal basis (i.e. a child staying overnight in two homes on a 50:50 basis), the applicant may be

entitled to the same number of bedrooms as they would if the child/children lived with the applicant all the time.

In exceptional circumstances, the Housing Services Manager may exercise discretion in deciding upon the size of a home a household requires.

### **3.3 Other reasons for additional bedrooms**

We understand that there may be other circumstances which can affect the number of bedrooms a household needs. Applications can qualify for additional bedroom(s) under the following circumstances:

- If there is a ***health, care or mobility reason*** for needing an additional bedroom. For example, for a carer (or carers) that provides someone in the household with overnight care or if a long-term condition makes it difficult for a couple to share a room. This bedroom entitlement would be used to assess any priority based on overcrowding.
- If someone in the household is, or wishes to be, a ***kinship carer for a child or children*** but those children are not yet living in the household. This bedroom entitlement would be used to assess any priority based on overcrowding.
- If someone in the household is ***caring for a foster child*** or has been accepted as a foster carer but has no child living with them, as long as the period without a child does not exceed 12 months. If someone has applied to foster they could be listed as looking for a property with an additional bedroom. However, we would not make an offer of a property with an additional bedroom until their application to foster has been approved by the fostering agency. This bedroom entitlement would be used to assess any priority based on overcrowding.
- If someone in the household is adopting a child, or has been approved for adoption, and they would need an extra bedroom in order to adopt a child or children. If someone has been approved to adopt they could be listed as looking for a property with an additional bedroom. However, we would not make an offer of a property with an additional bedroom until their application to adopt has been approved by Renfrewshire Council or any other adoption agency. This bedroom entitlement would be used to assess any priority based on overcrowding.

We will discuss this with the applicant on a case-by-case basis.

## **4 How Applicants are prioritised**

### **4.1 Factors we must take into account**

There are certain factors which the law states we must consider when deciding who we offer our available homes to. We must give reasonable preference to:

- People who are homeless or threatened with homelessness and who have unmet housing needs.
- People living under unsatisfactory housing conditions and who have unmet housing needs.
- Social housing tenants who the landlord allocating a property considers are under-occupying their current home.

These reasonable preference categories have been considered in the development of this policy.

### **4.2 Unmet housing needs**

The Housing (Scotland) Act 2014 sets out the categories of applicant to whom social landlords must give reasonable preference if they have unmet housing needs. This means that landlords should consider whether applicants have housing needs which cannot be met through other housing options which are available. Landlords should consider what those other options might be and whether they are accessible to the applicant.

The Housing (Scotland) Act 2014 removes the prohibition on taking ownership of property into account in allocating social housing. This means that if you or someone else on your application owns land or property, or previously owned land or property, we may take this into account when deciding on your priority for social housing. This applies to transfers as well as new applicants.

### **4.3 Factors we cannot consider**

There are also certain factors which the law states we cannot consider when allocating housing. These are:

- How long an applicant has lived in the area
- Any debt relating to a house of which the applicant was not a tenant.
- Any rent or other debt the applicant built up on a previous tenancy which has now been paid.
- Any amount which still needs to be paid where:
  - The amount owed is not more than 1/12<sup>th</sup> of the yearly amount due (or which was paid) by the applicant to the landlord for the tenancy; or
  - The applicant has an agreement in place with the landlord to repay the money, has made payments in line with the arrangement for at least three continuous months, and is continuing to make these payments.
- Any outstanding debts which do not relate to the tenancy of a house.
- The age of the applicant, as long as he or she is 16 or over except when allocating:
  - Houses which have been designed or substantially adapted for a particular age group; or
  - Houses for people who are, or will be, receiving housing support services for people of a particular age group.
- The income of the applicant and his or her family.

#### **4.4 Homeless People**

We have a legal duty to help the Council meet the housing needs of homeless people in Renfrewshire. Therefore as well as allocating homes to people on our housing register, we also accept nominations (Section 5 Referrals) from Renfrewshire Council. We set a target each year for the number of nominations we take from Renfrewshire Council. This target is agreed with Renfrewshire Council each year and approved by the Board.

## 5. How We Allocate Our Homes

### 5.1 Allocation Targets

We recognise three different groups of applicants. As well as allocating homes to homeless people we also ask the Council to refer applicants on their housing register who have a recognised housing need. We publish our results on our letting performance annually as part of our Annual Return to the Charter (ARC).

We aim to allocate a quota of available lets to each of the following categories, on an annual basis:

Category	Description	Quota
<b>Nominations and Referrals</b>	Applicants who are assessed as being homeless by the Council or who risk becoming so or who have other acute housing needs (this category includes referrals from Renfrewshire Council under the terms of the Housing (Scotland) Act 2001 and referrals from partner agencies)	50%
<b>FPHA Housing List</b>	Applicants who are assessed as being in general housing need, including tenants	30%

	participating in housing mobility initiatives	
<b>Transfers</b>	Existing FPHA tenants who wish to move to another FPHA property and by doing so create a vacancy that can be allocated to another applicant in housing need	20% (of which not more than 1 per year will be allocated to an existing FPHA tenant who wishes to move from a property without exclusive main door access)

## 5.2 Property Types

We have three types of property:

<b>General Needs</b>	Our biggest category. Includes flats and houses of different sizes
<b>Amenity</b>	Ground floor flats and bungalows with additional features which make them suitable for people with a recognised mobility need
<b>Wheelchair</b>	Specially designed or adapted properties suitable for a wheelchair user

We will not normally allocate amenity housing to applicants who do not require the features it offers. Nor will we normally allocate wheelchair housing to a household that does not include a wheelchair user. We will consider the potential for a ground floor property to be adapted to meet the needs of a wheelchair user where there is no suitably adapted accommodation available.

Where a ground floor property becomes available, consideration will always be given firstly to those whose medical needs could be addressed by a move to ground floor accommodation.

### 5.3 Applicant Choice

Applicants choose what areas, streets and house types they want to be considered for. Applicants can express a preference for as many streets, parts of streets or areas as they wish. There is no limit or restriction of choice. We will not allocate a home to someone unless they have selected that area and house type on their application.

### 5.4 Assessing Housing Need

- We use our points system to reflect the recognised housing need of all housing register and transfer applications.
- We give the highest priority to the applicants with the greatest level of housing need. We recognise that people often have more than one housing need and points awarded for different needs are added together to give a points total.
- Most of the assessment process is carried out by FPHA staff but we will seek specialist advice where appropriate. We may seek the advice of a suitably qualified medical adviser or Occupational Therapist when considering medical or other additional housing needs. Medical conditions can only be taken into account if the condition would be helped significantly by a change in housing.
- When assessing an applicant’s current housing situation, we will assume that the household is occupying the existing property to its ‘best fit’ (for example, we will assume that all rooms designated as bedrooms are being occupied as bedrooms).

The table shows how we assess housing need:

<b>Housing Need</b>	<b>Points Awarded</b> ( <i>only one set of points per category to be awarded to each applicant except *</i> )
<b>Unintentionally homeless or likely to be so within 2 months.</b>	100 points
<b>Current housing lacking basic facilities or in poor repair</b> (ie corroborated not meeting tolerable standard, being unsafe or insecure because of the physical quality of the building; lacks adequate heating)	75 points for Below Tolerable Standard 30 points for any or all of other forms of disrepair

<b>Current housing is insecure</b> (eg living in temporary accommodation; with family or friends; in a relationship that has broken down; leaving armed forces; leaving tied accommodation because of an end to employment)	40 points
<b>Sharing Facilities</b> (eg a member of the household cannot access the toilet/bathing /kitchen facilities or these facilities have to be shared with another household)	40 points
<b>Fleeing violence or harassment (Corroborated by appropriate external agency eg Police, Womens Aid, Assist)</b>	50 points
<b>Current housing is overcrowded</b> (or will become so as per Mat B 1 information)	20 points for 1 bedroom deficit and 10 points for each additional room deficit
<b>Current housing is under-occupied</b>	20 points for 1 bedroom surplus and 10 points for each additional room surplus
<b>Moving into Ferguslie Park to take up work, training or education or to give or receive long-term support to/from a current resident of Ferguslie Park</b> (including being nearer to children to whom the applicant has access rights)	30 points
<b>Current housing is inadequate or unsuitable because of a medical condition</b> (eg above ground floor and stairs are difficult; unsuitable for specialist equipment;	Medical Category A: 50 points Medical Category B: 25 points
<b>Current FPHA tenants occupying properties without exclusive main door access</b>	20 points

## 5.5 Matching an Applicant to a Property

- We allocate our homes on the basis of our recognised housing need categories
- We give priority to the applicant whose housing need is the greatest for the property size and type available.
- When a property becomes available we run a computer-generated shortlist from our pool of applicants to enable us to identify the applicant with the greatest housing need at the point in time when we are ready to allocate a property.

- Normally, the applicant with the highest number of points and whose needs and preferences best match the available property will receive the offer.
- Where two or more applicants have identical points and are equally well matched to the available property, their time in housing need (date on which the original application was made) will be used to prioritise the applications.

## **5.6 Exceptions to the Policy**

There may be exceptional cases where it may be appropriate to make an allocation out with the terms of this policy. If this was required the Head of Operations would authorise this. It is not possible to predict all the exceptional circumstances that may arise but these could include:

- Where a new build property will meet the housing needs that we have been otherwise been unable to address.
- Where you are living in a property which has been specially adapted, no-one currently living in the house needs the adaptation but someone else on the housing register does.
- Where we need to transfer a tenant in the event of an emergency
- To free up a property of a type that is in very short supply and which is needed to meet an urgent housing need.
- Where we need to make an exceptional allocation to someone who does not qualify to succeed to a tenancy.
- Where two households who both live in social housing, wish to move together into a new home, we would offer them a new home so we could re-let the two homes vacated
- Where the landlord and tenant agree that due to exceptional circumstances the tenant has to terminate their tenancy, but they will be looking to be rehoused within 2 years.
- If another agency, such as Police Scotland, asks for assistance.
- Where the Association is demolishing properties for regeneration and our tenants require to be rehoused as a result.

Due to the exceptional nature of these lets, the numbers involved will be very low and will be clearly documented for audit purposes. The Head of Operations will authorise any special lets or management transfers.

## **6. Making an Offer of Housing**

### **6.1 Confirming an Applicants Circumstances**

Before an offer is made, housing staff will visit (where required) those applicants who are being considered for an available home to confirm their current housing conditions and household circumstances. Where an applicant's circumstances are found to have changed, the application will be reassessed following the visit and an offer will only be made if the reassessment confirms the applicant's continued eligibility in accordance with this policy. FPHA will also seek tenancy references from the applicant's current landlord and from any other landlord who has housed the applicant within the previous five years. References will be sought at the time the application is made and may be updated prior to an offer being made.

### **6.2 Viewing the Property**

Where an applicant's circumstances are confirmed, satisfactory tenancy references have been received and a suitable property is available, an offer of housing will be made and the applicant will be offered the opportunity to view the property with a member of staff. The applicant will have **one** working day from the date of viewing to accept the offer, if the applicant fails to respond within one working day we will consider the offer refused. At the viewing, the member of staff will discuss rent and service charges with the applicant as well as any potential entitlement to Housing Benefit or Universal Credit.

### **6.3 Tenancy agreements**

We will provide applicants who accept an offer of housing a Scottish Secure Tenancy in accordance with our legal obligations.

In a limited number of instances, we may offer applicants a Short Scottish Secure Tenancy. This has limited security of tenure. We can only use a Short Scottish Secure Tenancy in very specific circumstances. These include if:

- You, a household member, or a visitor, has been involved in antisocial behaviour in or near your house within the last three years. In this case, we will give you a Short Scottish Secure Tenancy for a minimum period of 12 months to allow sufficient time for any support services offered to help address the antisocial behaviour. We may extend the Short Scottish Secure Tenancy by an additional six months if required.
- Your current home with us is scheduled for development and we need you to move to allow us to get the work done.
- You are a homeowner who cannot occupy their home on a short-term basis. For example, if you need to move out while repairs are carried out to make the home safe.

If we offer a Short Scottish Secure Tenancy, we will serve a notice which will set out why the applicant is being offered a Short Scottish Secure Tenancy and the period for which the tenancy is being offered.

If you would like further information on the use of Short Scottish Secure Tenancies, please contact us.

## **6.4 Specially designed or adapted properties**

There may be exceptional circumstances where a property designed for someone with special needs, or which has undergone major adaptations, becomes available but there is no-one on our housing list who needs a property of that size and design or who can make good use of the adaptations that have been carried out.

Rather than leaving the property empty, we reserve the right to offer the property on a Scottish Secure Tenancy to an applicant who does not need a property with the special features available. However, we would expect them to agree to move to another suitable property provided by us, if someone requires the specially designed or adapted property at a later time.

If we were offering someone a property on this basis, we would make this arrangement clear to the applicant at the offer stage.

## **7. Application status**

### **7.1 Reviewing applications**

It is important for us to have up-to-date and accurate information about those looking for housing. We will review all applications at least once a year. The date of this review is based on the date the housing application was registered.

As part of this review, we will ask applicants to advise us within 10 working days if they wish to remain on the housing register. If no response is received, we will send a further letter. If we still receive no response the application will be cancelled. If the applicant contacts us within a further 6 weeks the application will be reinstated automatically.

Applicants who have had their application cancelled have the right to appeal against this decision. We will reinstate a cancelled application up to 6 months after the date we cancelled it, if the applicant can give good reasons for not replying to the review. However, applicants who contact us more than 6 months after the date of cancellation will need to fill in a new form and will not be entitled to have their application backdated to the date of the original application. A new application can be made at any time.

### **7.2 Deferring an application**

If an applicant does not want to be considered for offers in the immediate future. We appreciate that there may be times when a move is not right for you, for example because you are not well or cannot afford to move at this time. If this is the case, you can ask to have your application placed on hold until a future date. This means that we will not make offers of housing until you ask us to.

We will check whether you wish your application to stay on hold, when we review your housing application. Alternatively, you can contact us at any time to tell us that you want to be actively considered for offers of housing.

We will accept housing applications from asylum seekers and others subject to immigration control. However, we will defer these applications until the applicant has received a positive decision about the applicant's leave to remain from UK Visas and Immigration.

### 7.3 Suspension from Offers of Housing

A suspension is a period of time during which an applicant for housing or an existing tenant applying to move to another property will **not be** considered for an offer of housing.

There may be occasions when suspending an application is necessary, before suspending an application, we will consider:

- Whether there are other options available to us, such as offering further information and advice or proactively managing the problem that makes suspension a possibility.
- Whether suspending an application would be proportionate and if so for how long
- Whether we have sufficient, robust evidence to justify our decision to suspend an application
- The consequences of suspending an application for the applicant and other members of their household.

If an application is suspended the applicant will receive a letter detailing why we have taken that decision, the length of the suspension and the date(s) on which the suspension will be reviewed.

The letter will set out any action the applicant can take to have the suspension removed before the review date. Although we may reduce the length of the suspension, we will never increase the length of the suspension.

The applicant is entitled to appeal our decision and further information on how to make an appeal will be set out in the letter sent to you. The appeals process will be in line with that set out in Section 9 of this policy.

If the applicant makes a new application, including a new transfer application, and we decide to suspend your application at the application stage, we would do so under the statutory powers to suspend set out in the Housing (Scotland) Act 2014. These powers allow us to suspend an application for a period from the date of application. If you are eligible to join our housing register, your application will still be placed on the housing register, but you will not receive any offers of housing while the suspension remains in place.

We will not use the statutory powers set out in the Housing (Scotland) Act 2014 to suspend any new applicant who has been found to be statutorily homeless. The circumstances which may result in an application being suspended are the same for new applicants and those already on the housing register. They are:

### **Rent arrears and other tenancy related debt**

- Where there are significant, outstanding and unresolved social rented sector tenancy-related debts and until such debts are either cleared, fall below 1/12<sup>th</sup> of the annual rent charge, or an agreement has been set up and adhered to for a period of at least 3 months. The suspension would be removed as soon as the necessary conditions have been met.

### **Antisocial Behaviour**

- The applicant has:
  - acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person, or
  - pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person, or
  - acted in an antisocial manner, or pursued a course of conduct which is antisocial conduct, in relation to an employee of the social landlord in the course of making the application.
- We may consider antisocial behaviour from up to 3 years previously, or longer in exceptional circumstances, and applicants will be notified individually of timescales. Timescales will be reviewed in the event of a change of the applicant's circumstances.

### **Previous Convictions**

- The applicant has been, or has resided with a person who has been, convicted of:
  - using a house or allowing it to be used for immoral or illegal purposes, or
  - an offence punishable by imprisonment which was committed in, or in the locality of, a house occupied by the person.

- We may consider antisocial behaviour from up to 3 years previously, or longer in exceptional circumstances, and applicants will be notified individually of timescales. Timescales will be reviewed in the event of a change of the applicant's circumstances.

### **Order for Recovery of Possession**

- An order for recovery of possession has been made against the applicant. This could apply to orders within the previous 3 years and made under Scottish housing legislation and housing legislation for other parts of the UK. Suspension will be to a maximum of 6 months.

### **Abandoning a tenancy or neglecting a let property**

- Where the applicant has previously had a property repossessed by a social landlord because the property had been abandoned, or where a court has ordered recovery of possession due to the deterioration of the condition of the property or furniture provided for the tenant's use.
- We may consider repossessions from up to 3 years previously, or longer in exceptional circumstances, and applicants will be notified individually of timescales. Timescales will be reviewed in the event of a change of the applicant's circumstances.
- **Making a false statement in an application for housing**
  - Where deliberately false or misleading information has been provided by the applicant, suspension will be for 6 months.

## **8 Other Information**

### **8.1 Local Lettings Initiatives**

A Local Lettings Initiative can be a useful way of helping to create sustainable communities and there may be occasions when we will develop and implement such an Initiative. An Initiative might be designed to boost demand in a particular area or to help us make lets which promote a balanced community.

Any Initiative will apply only to a geographically defined area and any changes made to this policy will be designed to meet specific local aims. Any Initiative will have clear outcomes and will be supported by evidence as to why it is required.

As part of the development process, we will consult with the local community and key external partners. The Initiative will be compliant with all the relevant legislation, will be published in the same way as this policy and will include:

- An explanation of why the Initiative is needed and the evidence that has been used to inform the decision to introduce it.
- Clear and specific aims and objectives.
- The time period for which the Initiative is expected to remain in place.
- An effective monitoring framework to make sure the aim of the Initiative is being met and there are no unforeseen consequences. This will include criteria that will be used for deciding whether to curtail or extend the time period for which the Initiative will run. The Initiative will be reviewed regularly to ensure it is still required.

## **9. Appeals and complaints**

### **9.1 Appeals**

We will always aim to provide an excellent service, but we recognise that applicants may disagree with some of our decisions and may wish to make an appeal. We request that you notify us (in writing) of your reason for appeal and request your application be reviewed.

An applicant has the right to appeal against:

- The priority we have awarded
- Whether an offer we have made is reasonable.
- A decision to suspend an applicant from receiving offers.
- A decision to cancel an application.
- Any other decision we make which you believe has not been dealt with in accordance with this policy.

We offer interpreting and translation services if English is not your first language. We can also provide a British Sign Language interpreter if required.

The arrangements for statutory homeless applicants are set out in the Housing (Scotland) Act 1987 as amended. Further information on appealing a statutory

homelessness decision can be found in the Scottish Government's Code of Guidance on Homelessness which can be found at:

<https://beta.gov.scot/publications/code-guidance-homelessness/>

If you are appealing a suspension which has been made using the statutory powers to suspend set out in the Housing (Scotland) Act 2014 you have a right of appeal to the sheriff, by summary application. Further information on the summary applications rules can be found on the Scottish Court Services website at:

<https://www.scotcourts.gov.uk/taking-action/summary-applications>

## **9.2 Making a complaint**

If you are not satisfied with the service you have received from us, you can make a complaint. We publish information on our website about our complaints process.

If you make a complaint but are not satisfied with the outcome, you can refer your case to the Scottish Public Services Ombudsman. Our complaints policies will explain each step of the process, including how you can appeal to the Scottish Public Services Ombudsman. The Ombudsman is a government-based organisation which can review your case if you have already been through our complaints procedures and you feel they have not dealt with your complaint fairly.

If you feel that we have done, or failed to do something that puts the interests of our tenants or applicants at risk, you can also refer your case to the Scottish Housing Regulator. The Scottish Housing Regulator's website provides information about significant performance failures and what you should do and how to raise your concerns with them. You can find this information at:

[www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)

## **10 Assessing our performance**

### **10.1 Reporting on our performance**

We will monitor the implementation of this policy to make sure it is meeting our aims, is effective, non-discriminatory and promotes equal opportunities.

We will collect information and report every year on:

- The number of new applicants added to our housing register.
- The number of applicants on our housing register by group.
- The number of offers made to each group.
- The average time to re-let a property.
- The percentage of tenancy offers refused.
- The number of applicants suspended from receiving offers of housing.
- The number of appeals and/or complaints received and their outcomes.

We will report on our performance to the Scottish Housing Regulator and to our Management Board.

### **10.2 Reviewing this policy**

We will keep this policy under review. If the monitoring of our performance suggests areas in which the policy needs to be improved, we may amend the policy if required. If any changes to be made are substantive, we will consult with tenants, applicants and other key stakeholders before making these changes.

We will undertake a full review of this policy every three years, or earlier if required by changes to legislation or guidance.