

KNOWES HOUSING ASSOCIATION LTD	
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Consultation	Internal – Staff and Committee External – Scrutiny Panel, partner agencies, and housing applicants

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SECTION 1: INTRODUCTION

1.1 Background

In order to promote a stable and balanced community within the areas that Knowes Housing Association manages our properties, it is important to have a detailed Allocations Policy and Procedure, which outlines how the Association allocates our properties. A key objective is to make best use of our housing stock and this involves meeting housing need and also individuals' housing aspirations. This Policy outlines how the Association allocates housing and administers waiting lists for varying needs. The Policy will apply to waiting list applicants as well as internal transfer applicants.

The Policy has taken account the legislation outlined in the Housing Scotland Act 2001 and the legislative changes introduced in the Housing (Scotland) Act 2014 which sees a significant change in how landlords allocate their properties and the priority that it gives to particular needs groups;

1. homeless persons and persons threatened with homelessness and who have unmet housing needs (but not if they only become such persons as a result of a local authority landlord having regard to a 'restricted person'^{*});
2. people who are living under unsatisfactory housing conditions and who have unmet housing needs;
and
3. tenants of houses which are held by a social landlord and which the social landlord selecting its tenants considers to be under-occupied.

The Policy is summarised in our Allocations Information Leaflet.

1.2 Key Principles

Addressing Housing Need

We aim to provide affordable, quality housing for people in housing need. This Policy aims to make best use of available housing and prioritising those in greatest housing need whilst assisting in the promotion of sustainable communities. We will work with partner agencies to ensure vulnerable tenants are adequately supported in order to maximise tenancy sustainment. Wherever possible, when properties have been adapted, they will be allocated to applicants whose housing needs best match these properties.

^{*} - Section 30(6) of the 1987 Act, amended by paragraph 11(3) of schedule 15 to the Housing and Regeneration Act 2008. A 'restricted person' means a person—
(a) who is not eligible for assistance under this Part [i.e. Part 2, Homeless Persons],
(b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
(c) either— (i) who does not have leave to enter or remain in the United Kingdom, or, (ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds).

Choice

This Policy aims to assist applicants to make an informed choice about the housing options available to them from Knowes Housing Association. In addition to this, we will work in partnership with external agencies to ensure that all applicants receive a comprehensive service which, in turn, will maximise their choice.

The Scottish Social Housing Regulator and the Scottish Social Housing Charter

The Association has taken due consideration of the Scottish Governments “Scottish Social Housing Charter” and the expected outcomes and standards from that Charter in the development and implementation of this Policy. The outcomes and standards that cover the remit of this Policy area in particular are:-

Charter Section 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.

Social landlords ensure that:

- People at risk of losing their homes get advice on preventing homelessness

These outcomes cover landlords’ duties to provide information to people looking for housing and advice for those at risk of becoming homeless. These duties include helping tenants and people on housing lists to review their options to move within the social housing sector or to another sector.

Charter Section 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 information they need on how the landlord allocates homes and their prospects of being housed.

This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example, through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.

Equality of Opportunity

We aim to ensure that this Policy gives equitable outcomes for every applicant and does not discriminate against applicants on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This Policy will seek to be flexible enough to respond to complex individual needs and circumstances and which embodies a fair appeals process.

Flexibility and Responsiveness

This Policy aims to be responsive to complex individual needs and circumstances. We will review this Policy every 3 years and adapt accordingly in light of local demands and any changes to legislation and best practice guidance.

Accountability

We aim to provide an allocations service which is not only accountable but also transparent in our decision-making process. We will be open in our communication with applicants at the different stages of the allocation process and observe confidentiality at all times. We will ensure that all allocations of properties are carefully checked and the household being offered a property is entitled to it. Clear audit trails will be maintained which will demonstrate that we have followed all proper procedures in selecting applicants for the offer of housing with due regard to data protection legislation. To ensure transparency in our decision-making process, we will have clear audit trails for customers as well as any regulatory body or unsuccessful applicant.

Lettings Plan

Each year the Head of Housing and Allocations Officer will agree the Lettings Plan for the forthcoming year. This plan outlines the anticipated levels of voids expected and how we will manage each of the Housing List categories when allocating a new tenancy. (Please see Lettings Plan for more details)

Reporting

To ensure that the Association is compliant with their responsibilities to ensure good levels of governance there are a number of reports provided.

On a monthly basis, the Allocations Officer will prepare the following reports for the Head of Housing.

- Lettings Report
- Offer Details Report
- Tenancies Ended Report

On a quarterly basis, the Allocations Officer will prepare the following reports for the Head of Housing. These reports are presented to the Housing Services Sub-Committee by the Head of Housing.

- Quarterly Lettings Report
- Quarterly housing Demand report
- Quarterly Offer Details Report
- Quarterly Tenancies Ended Report
- Quarterly Nominations Analysis
- Quarterly Section 5 Analysis

Procedure

The Association has a detailed Allocations Procedure, which complements this Policy, and describes the different stages a housing application will go through following receipt. The procedure also identifies how the Association allocates its properties.

1.3 The Role of Committees

On a day to day basis, the application, assessment and allocation process will be managed by housing staff.

The SFHA Model policies and procedures for Governing Body Members and staff issued in August 2013 (updated August 2014) deals with matters relating to corporate governance in social housing organisations which is becoming increasingly important. The purpose of this Policy is to (i) reaffirm the Association's commitment to transparent and accountable governance and (ii) to ensure that our Codes of Governance contain up-to-date good practice.

As a Registered Social Landlord (RSL), Knowes Housing Association is required to adopt and comply with the appropriate Codes of Conduct – these Codes are based on the Models produced by the SFHA. The Scottish Housing Regulator (SHR) has confirmed that these Codes fully comply with its Regulatory Standards and their input during the production of these codes are acknowledged.

The Codes are based on the 7 principles which are recognised as providing a framework for good governance. They demonstrate selflessness, openness, honesty, objectivity, integrity, accountability and leadership.

Declaration of Interest for Committee and Staff

The Association will ensure that the allocation of a tenancy must be approved by the relevant Association's Committee in accordance with Section 63/Schedule 7 of the Housing (Scotland) Act 2001 and would require one Committee signatory in all cases. Examples of these reports are contained at Appendices 2 and 3. All declared interests must be recorded in the Register of Interests which is available for public inspection. Committee members are responsible for approving the Policy and for monitoring the effects of the Policy. They are not directly involved in the allocation of housing. The following table outlines those who the Committee must consider when declaring interests:

Staff must also declare an interest if any of the clients fall into the categories outlined in the table.

Group 1 Members of your household	Group 2 People closely associated with you	Group 3 Others you need to consider
Anyone who normally lives as part of your household, whether they are related to you or not, including non-married partners/partners who work away from home and sons and daughters who are studying away from home	<ul style="list-style-type: none"> • Parents, parents-in-law and their partners • Sons and daughters; stepsons and step-daughters and their partners • Brothers and sisters and their partners • A partner's parent, child, brother or sister • Grandparents, grandchildren and their partners • Someone who is dependent on you or whom you are dependent on • Close friends 	<p>Other relatives (e.g. uncles, aunts, nieces, nephews & their partners)</p> <p>Other friends (e.g. someone you are acquainted with socially, neighbours, business contacts/associates)</p>

Tenancies can be granted to the above persons provided the offer is made in line with this Policy.

SECTION 2: POLICY AIMS

This section describes the aims of the Allocations Policy and it also highlights the regulatory standards that through this Policy we aim to achieve.

2.1 Policy Aims

- Meet all relevant legal and good practice standards, for example, addressing the specific housing needs of groups specified in law
- Avoid discrimination on grounds such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- Promote equal opportunities through positive measures, for example, developing accessible services in consultation with disabled people
- Base allocation practice on a comprehensive assessment of local housing needs and demand; this includes taking account of applicant preferences
- Contribute to the aim of the Association having stable and balanced communities. This may mean that we consider some lets as being sensitive based on the following.
 - the individual's housing need;
 - the suitability of the house for that applicant; and
 - the needs of their prospective neighbours

This will be discretionary based on an individual applicant's circumstances.

- Make best use of the housing stock through promoting tenants' rights such as the right to exchange homes
- Form partnerships with other housing providers to address housing need
- Maximise income by letting empty houses quickly in line with timescales

- Offer applicants comprehensive advice and information in relation to their housing options
- Process personal information confidentially to meet relevant legal obligations
- Provide staff training so that this Policy is implemented effectively, and quality services are delivered
- Deal with appeals and complaints fairly in line with timescales
- Assess if Policy aims are met through our audit and performance management system.
- Review Policy every **3** years; Policy review is done in consultation with tenants and other service users as part of our tenant participation strategies.

2.2 **Regulatory Standards**

This Policy meets the regulatory requirements and follows the best practice information produced by the Scottish Housing Regulator, the Scottish Federation of Housing Associations and the Chartered Institute of Housing.

We meet the regulatory standards specified in the Social Housing Allocations; “A Practice Guide”, the Scottish Social Housing Charter which is detailed in section 2.4 of this Policy and the Scottish Housing Regulator in respect of allocation practice. We have also taken account of The Housing (Scotland) Act 2014.

2.3 **Legal Compliance**

This Policy also adheres to the legal requirements contained within a range of relevant legislation. The list below is not exhaustive but details the most relevant legislation.

- Sections 19 and 20 of the Housing (Scotland) Act 1987, as amended by Sections 9 and 10 of the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014.
- the Statutory Guidance supporting the 2014 Act.
- The Homelessness etc. (Scotland) Act 2005
- The Matrimonial Homes (Family Protection)(Scotland) Act 1981
- Race relations (2010)
- The Disability Discrimination Act 2010
- The Equality Act 2010
- Data Protection Act 2018
- The Access to Personal Information (Housing)(Scotland) Regulations 1993
- The Human Rights Act 1998
- Freedom of Information (Scotland) Act 2013
- The Anti-Social Behaviour etc. (Scotland) Act 2003
- The Local Government in Scotland Act 2003
- The Children (Scotland) Act 1995
- The Immigration and Asylum Act 1999

2.4 **Scottish Social Housing Charter**

Section 31 of the Housing (Scotland) Act 2010 introduced the Scottish Social Housing Charter which sets the standards and outcomes that all social landlords should aim

to achieve when performing their housing activities. The Charter became effective on 1 April 2012.

This Policy intends to meet the requirements of the following indicator outcomes.

Outcome 1: 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: 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 3: Social landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

Outcome 7: Applicants looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.

Outcome 8: Applicants on housing lists can review their housing options.

Outcome 9: Applicants at risk of losing their homes get advice on preventing homelessness.

Outcome 10: Applicants 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.

Outcome 11: Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

Outcome 12: Homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

This Regulatory Framework sets out the broad outline of how the Regulator will monitor a landlord's achievements of the outcomes and standards in the Charter.

The Association is required to follow this framework and gather information on 7 separate areas:

- Equalities
- Customer/Landlord relationship
- Housing quality and maintenance
- Neighbourhood and community
- Access to housing and support
- Getting good value from rents and service charges
- Other customers

This information will be examined by the Scottish Housing Regulator to ensure compliance.

2.5 The Housing (Scotland) Act, 2014

The legislative changes included in the Housing (Scotland) Act 2014 recommends that flexibility is built into our Allocations Policy outwith the usual criteria to allow landlords to allocate properties to “exceptional cases”. Depending on the individual circumstances there will sometimes be cases where a landlord considers it appropriate to allocate a tenancy, for example, the existing tenancy or the tenancy of another property to the applicant. In these cases, a new tenancy will be granted, and it will not be a succession. By including an ‘exceptional circumstances’ clause in our allocations Policy, we provide flexibility to allocate a tenancy where an individual does not have the right to succeed to the tenancy, but we believe there to be circumstances that justify allocating them a tenancy.

2.6 Risk Management

As a Registered Social Landlord, Knowes Housing Association has a duty to comply with Part 1 of the Housing (Scotland) Act 2001, and amendments outlined in the Housing (Scotland) Act 2014, see 2.5 which covers the legislative framework for admitting applicants to housing lists, and also allocating properties. The Association must comply with this legislation and be able to demonstrate compliance through Policy, procedure and practices.

Without a comprehensive and compliant Allocations Policy & Procedure, the Association is open to allegations of bias, unfairness and inequality. This, in turn, is unprofessional and would fall short of current legislation and Best Practice.

SECTION 3: GENERAL ISSUES

3.1 Confidentiality

All information provided by applicants will be treated as strictly confidential. Information about an applicant will not be given to any other person unless the applicant has signed a mandate, which permits this.

Applicants can access data held on their application by written request. All data held on an applicant is covered by General Data Protection Regulations (GDPR).

3.2 Local Lettings Initiatives

In addition to the standard rules governing the allocation of houses the Association may agree Local Lettings Initiatives to achieve aims specific to a particular development, area or tenement block.

Local Letting Initiatives shall be developed where the Association is convinced that specific and targeted action is required to try to achieve balance and stability in particular communities or to achieve the aims of a specific development. Any initiatives such as these would be the subject of a report to the appropriate Committee of the Association.

3.3 Housing List Management and Planning Targets

The Association will allocate houses using our points system. We will allocate housing using a planning target system, which will consider the requirements of: Statutory and Non-Statutory Homelessness, Waiting List, Internal Transfers, Medical Priority, Overcrowding and Underoccupancy. In addition to these categories, we also have Nominations Agreements with partner organisations, West Dunbartonshire Council and East Dunbartonshire Council.

This planning target will be guided by an Annual Lettings Plan and monitored using our Housing Allocations Module.

The Association recognises that there is a requirement under the Housing (Scotland) Act 2014 to make reasonable preference to Homeless, Underoccupancy and applicants who are living in unsatisfactory housing conditions. There is also a requirement to take a flexible approach to lettings where we will consider exceptional circumstances such as cases that require a Management Transfer and for carers who have given up their previous home and do not meet the qualifying criteria to succeed to a tenancy, but there are no set guidelines on the flexibility of this approach.

3.4 General

The Association will offer Scottish Secure Tenancies (SST) to all tenants, except where the tenants meet the legislative criteria for the award of a Short SST. This is in accordance with the Housing (Scotland) Act 2014 and the Association's Policy on SSSTs.

Accommodation of a suitable size as per the Allocation Policy will normally be offered.

We will also take into consideration the implications of the "bedroom tax" which is further detailed at Section 8 – Groups and Points.

3.5 Fraudulent Lets

The Association will normally seek repossession of any tenancy, which it considers to have been granted on the basis of false or misleading information or the withholding of relevant information.

3.6 West Dunbartonshire Council Update

When a tenancy ends, we will pass details of the property, the end of tenancy date and tenants name to WDC. This will help with council tax exemption purposes for our voids, but also allows the council to update their records. When a new tenancy starts, we will also send details of the property, new tenants details and start of tenancy date.

SECTION 4: APPLYING FOR HOUSING

4.1 Applications

Applications will be considered from anyone aged 16 and over. The Association has a target of 28 days to process an application from the date when the application is received, to the date when it can be considered for allocation.

We will work in partnership with external partner agencies to ensure all applicants can be given the best possible information and signposted to other organisations if required.

The Association delivers a Housing Options approach when dealing with applicants so that all opportunities for housing are considered, whether that is with Knowes Housing Association or with another landlord or housing provider. As the Association does not have any emergency accommodation, we will also refer anyone who considers themselves as homeless to West Dunbartonshire Council's Homeless Service.

The provision of accurate and up-to-date information on the applicant's circumstances is vital to the assessment and allocation process. We will monitor applications closely to minimise the length of time taken to fully process and place on the housing list. We will not ask an applicant to provide information to us, which would have significant financial implications for the applicant.

If the applicant has a current or has had a previous tenancy with a Local Authority or RSL in the previous 5 year period, then we will request a tenancy reference during the application process stage. (The outcome of an unsatisfactory reference is covered in Section 5 of this document)

Applicants must advise the Association of any change in circumstances relating to a housing application, or if they wish to change their areas or house type choices previously made. Certain changes in circumstances may have an impact on the number of points received, and any change in points awarded will take effect from the date that we are informed of these changes. This will ensure the applicants are appropriately placed on the housing list.

If we believe that an applicant has intentionally changed their circumstances in order to secure a higher position on the housing list, we may assess this application as if this change in circumstances had not occurred.

All applications will be dealt with in accordance with this Policy regardless of whether the applicant is a current tenant, former tenant or indeed has never held a tenancy or owned a property. The Housing (Scotland) Act 2014, "Taking Property Ownership into Account", allows us to continue to take a flexible view of an applicant's circumstances regardless of tenure, and base our assessment on the needs of the applicant and point accordingly.

In principle, we do not take into account the applicant's income on whether they are accepted on to the housing list. However, if there is evidence that the applicant has no income from either employment or has access to public funds to pay the rent then this needs to be considered when determining the suitability of an offer of tenancy.

Verification of Circumstances

To ensure that we are correctly assessing the housing needs of applicants, we generally require applicants to provide information to verify their circumstances. We recognise that in some cases the information required may be sensitive and of a personal nature. In these circumstances, a position of belief and trust will be adopted. All applicants will be required to provide their national insurance number which will be used as an identifier, and photographic identification if available, (see Appendix 1 on items of proof that we will ask for).

4.2 Payments and Benefits to Governing Body Members and Employees

The Association maintains open lists for housing so that anyone can apply at any time to be assessed for housing. All applicants will be asked to state whether or not, to their knowledge, they are related to any current Committee or Staff Member. This will ensure that the Association complies with good practice regarding the granting of benefits to current Committee Members or Staff of the Association, or their relatives. Reference should be made to section 1.3 of this Policy and Policy G01 - Code of Governance for Committee Members.

4.3 Adapted/Amenity Housing

Ambulant disabled, adapted or amenity housing will be allocated, when possible, only to households with at least one member with specific needs who would benefit from the features of the property available.

4.4 Reasonable Preference

The law requires us to give reasonable preference to certain groups when letting properties. The groups to which we must give reasonable preference when letting houses are:

- a) homeless people and those threatened with homelessness
- b) underoccupancy
- c) people living in unsatisfactory housing conditions

We acknowledge that people may be in housing need for other reasons than those covered in law. Section 8 details the range of housing needs that we address.

4.5 Circumstances Not Taken Into Account

The following factors **will not** be taken into account when applying for a property:

- 4.5.1 Owning other property or land – The Housing (Scotland) Act 2014 provides us with a flexibility when taking an applicant's ownership of land or property into account when deciding on the processing of an application and allocation of property. This flexible approach is a view supported by Knowes Housing Association as there are circumstances that can affect an owner's ability to continue to use their property as their main place of residence. The Association will continue to assess an owner's current housing situation when assessing an application, in

the same way that it assesses a tenant's, when deciding on housing need and its allocation of properties.

In deciding whether to allocate a property using a short SST for homeowner's landlords should consider all the circumstances of the individual case and aim to ensure the most effective use of the social housing available.

4.5.2 Whether the applicant resides in the area or the length of time which the applicant has resided in the area;

4.5.3 Any non-tenancy related debts;

The law does not allow landlords to take account of rent arrears or debts which fall within the following categories:

- any outstanding liability (such as rent arrears) attributable to the tenancy of a house of which the applicant is not, and was not when the liability accrued, the tenant;
- any rent or other liabilities accrued by the applicant on a previous tenancy which are no longer outstanding;
- any such liability which is outstanding but where the amount outstanding is not more than 1/12th of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy; or the applicant has both:
- agreed arrangements with the landlord for paying the outstanding liability; and made payments in line with that arrangement for at least 3 months and is continuing to make such payments;
- any outstanding liability of the applicant or anyone who will live with the applicant which do not relate to the tenancy of a house.
- tenancy related debts – rent or service charge arrears, rechargeable repairs – which are less than the monthly charge or which are no longer outstanding, or where a repayment plan has been arranged and kept by the applicant for at least 3 months;
- The income of the applicant and their family (including benefits);

4.5.4 The applicant's age, provided the applicant is aged 16 or over, except in the allocation of houses which have been designed or substantially adapted for occupation by persons of a particular age group, or the allocation of houses to people who are in receipt of housing support services for persons of a particular age group.

4.6 **Applicant Choice**

Our allocations system ensures that applicant choice is taken into account. Applicants can state their preferences from a number of factors including:

- Streets preferred
- Property types
- Property size
- Floor level

Applicants' choices are often determined by availability of housing stock. Therefore, although applicants can request housing in any given street, prospects of rehousing will vary from street to street based on actual numbers of houses available for let.

4.7 Offers & Refusals

We make offers based on the applicant's housing needs and preferences after confirming details on their application form or any subsequent review. This is good practice as it aims to reduce inappropriate offers.

Offers of tenancies are system-generated using the Association's Housing Management IT system to ensure transparency. This provides a good audit trail, generates the necessary reports to allow staff, Management & Committee to monitor performance and information for the Association's ARC returns.

Reasonable offers are those that reflect, as far as possible, an applicant's stated choice. For example, we will not offer an applicant house types that they expressly state they will not consider.

The Housing (Scotland) Act 2014 has set out provision that allows us to suspend applicants that have refused one or more reasonable offers of housing. Knowes Housing Association has decided that no applicant will be penalised for refusing offers of accommodation. However, if there was an applicant that continuously refused offers made that matched their preferences on their application, we would re-interview them with the aim of re-establishing what their preferred options are.

4.8 Tenancies

We offer most applicants, who qualify for housing, Scottish Secure Tenancies in line with our legal obligations. In a limited number of situations, we may offer applicants a Short Scottish Secure Tenancy. This has limited security of tenure. The Housing (Scotland) Act 2014 outlines the guidance for using Short SST's. This Policy has taken into consideration the changes outlined in the Act and the Association will take a flexible approach when considering the use of this type of tenancy agreement.

The Association has developed a separate Policy that explains when a short Scottish secure tenancy might be granted. A copy of the Short SST Procedure is available, on request.

Examples of when a short Scottish Secure Tenancy might be granted are if:

- an applicant has been evicted for anti-social behaviour within the last 3 years
- Sheriffs consider changing a SST to a Short SST due to ASB rather than granting an eviction order.
- a tenant (or a member of their family) is subject to an anti-social behaviour order.
- The accommodation is let on a temporary basis for certain reasons

The Association will also consider offering a Short SST to an owner in the following circumstances;

- a) an owner is in need of social housing until they access their own home once the period for which it has been rented out has come to an end;

- b). sell their property and secure alternative accommodation that meets their needs;
- c). make the necessary arrangements for building on, extending or installing adaptations to the property
- d). carry out repairs required to make the property habitable.

4.9 **Lease Agreement**

On occasion we may enter into a lease agreement with either another organisation or an individual, an example of this would be letting a property to West Dunbartonshire Council for temporary homeless accommodation. The Association has a separate Leasing Policy which explains this process in more detail.

SECTION 5: SUSPENSIONS, EXCLUSIONS & REMOVALS

The Association does not have a separate Policy that covers suspensions, exclusions and removals. The Housing (Scotland) Act 2014 outlines suspensions guidance that sets out the circumstances in which a social landlord may regard an applicant as being ineligible to receive an offer of housing.

Section 6 of the 2014 Act amends the 1987 Act to introduce a new section 20B. It creates an exception to section 20(2)(b) of the 1987 Act and gives social landlords the power to impose a suspension in certain circumstances where section 20(2)(b) would previously have prevented them from doing so. The legislation now allows landlords to suspend an application for a period of time from the date of the application in any of the specified circumstances.

There is a scenario which should not be confused with the above and that is where there is a delay in collating information required to enable us to fully process the application. This may include applicants who refuse to provide the necessary information to support their application which will be held until the applicant provides the details necessary to complete the assessment process.

Another situation may arise where there are applicants that do not wish to be considered for housing at the time an offer is made – for example, are financially unable to move, are in the armed forces, or have other reasons why they are unable to accept an offer of a tenancy. The applicant may ask that they do not get considered for housing at the time and their application will be **Deferred**. These applications will be kept live on the housing list and bypassed until such times as the applicant has intimated a desire to be considered for an offer of housing.

5.1 **Suspensions**

Landlords have the provision to consider suspending applicants from its waiting list.

An application may be suspended either at the application assessment stage or when an applicant is being considered for an offer. Applicants are reminded at the point of application and when their application is reviewed annually, of the suspension criteria. Suspensions periods can vary based on the reasons for the suspension and can vary between a minimum of 3 months up to the maximum 3 years but will be regularly reviewed by housing staff.

Applicants are asked to provide details for current and previous addresses and details of any social landlords they have held a tenancy with in the past 5 years. Other social landlords will be contacted and asked to complete a tenancy reference form when an applicant has noted that they have held a previous tenancy or are in a tenancy when applying. If this reference identifies any tenancy related issue (as outlined below) applicants may be suspended in accordance with this Policy. Reasons for suspension include:

- Rent Arrears and other tenancy related debt – see section 5.2
- Anti-Social Behaviour – see section 5.3
- Previous Convictions – see section 5.4
- Order for Recovery of Possession has been granted – see section 5.5
- Abandonment or Neglecting a Property – see section 5.6
- Provision of False or Misleading Information – see section 5.7
- Violence Towards Staff
- Other Tenancy Breaches

There are a number of scenarios (outlined below) where the issues of suspending applicants arise and the 2014 Act outlines what is permitted and what is not within these parameters.

Every applicant who is suspended will receive a letter detailing why they have been suspended, the length of their suspension, the date the suspension will be reviewed and how they can appeal against the suspension. The letter will also set out any action the applicant can take to have the suspension removed before the review date.

The length of the suspension will be determined by the severity of action taken against a tenant either when a Former tenant of Knowes Housing Association or of another Association/LA. The suspension time is at the discretion of the HA, as per the Housing (Scotland) Act 2014, and can be between 3 months and 3 years as stated. In most cases where there is an outstanding arrear the suspension will be for 6 months. This will allow time to determine whether the arrear is being paid and that any payment arrangement has been maintained for 3 months or more.

Where legal action has been taken against a tenant that has resulted in a Decree for repossession has been awarded, whether for ASB or arrears, the suspension will be longer and set at a minimum of 1 year but can be for longer based on the circumstances of each case. For instance, when a tenant is evicted for serious ASB then we would look to suspend for the maximum 3 years.

5.2 Rent Arrears and other tenancy related debt

Landlords can suspend applicants who have rent arrears or certain other debts relating to a tenancy, (for example, service charges/rechargeable repairs). However, suspensions are not permitted in the following outlined in 4.5(3) of this Policy.

Applications will be suspended if the applicant has either current or former rent arrears or other associated tenancy debts, which are more than one month's rent **and** where there is either no suitable repayment arrangement in place, or that suitable repayment arrangement has not been adhered to for 3 months. The Association will

also take into account any debt that has previously been written off and will use this as a reason for suspension.

Debt suspensions will be reviewed initially on a 3 monthly basis.

5.3 **Anti-Social Behaviour**

In assessing whether or not an applicant's anti-social behaviour is to be used as a reason for suspension we will only suspend where the breach of tenancy is serious.

The 2001 Act sets down criteria to assess whether a tenant should be evicted and it's useful to consider these for applying a suspension for this reason. We will consider: -

- The nature, frequency and duration of the conduct;
- The extent to which the conduct is the consequence of acts or omissions of other people other than the tenant;
- The effect which the conduct is having on other people;
- Any alternative action taken by the tenant to address the problem.

Applicants may be suspended from the housing list where:

- The applicant or anyone being rehoused has been evicted for anti-social behaviour in the last 5 years, or
- The applicant has an ASBO granted against them relating to their conduct in a previous home, or
- The applicant has been evicted for causing substantial damage to the landlord's property within the last 5 years, or
- Where a landlord has served a Notice of Proceedings on the grounds of ASB, and the NOP is valid.

Violence or threatening behaviour towards staff is a ground for suspending an application, but again careful consideration needs to be exercised. The circumstances and level of seriousness and frequency should be considered and whether the behaviour could or would lead to the applicant being charged. These suspensions will be authorised by the Head of Housing and will be reviewed on a regular basis.

5.4 **Previous Convictions**

Section 20B(6)(b) of the Housing (Scotland) Act 2014 states that landlords may impose a suspension where:

“The person has been, or has resided with a person who has been convicted of:

- (i) using a house or allowing it to be used for immoral or illegal purposes,**
or
- (ii) an offence punishable by imprisonment which was committed in, or in the locality of, a house occupied by the person”.**

This means we can suspend an applicant (including a tenant applying for a transfer) from receiving an offer of housing for a period where they, or someone they live or

have lived with, have been convicted of a crime that has been committed in or near the property where they were a tenant.

Punishable by imprisonment means that the offence carries imprisonment as a possible penalty. A prison sentence does not need to have been imposed. For example, a community payback order may be given by the criminal court as an alternative to a prison sentence.

The Association will carefully consider the nature of the crime and whether the behaviour that led to the conviction has had an impact on the people living in, or in the locality of, the house before suspending a tenant or applicant on this basis.

5.5 Order for the Recovery of Possession

This power enables us to suspend an applicant who has had an Order for Recovery of Possession made against them. It is not a requirement to do so in every case and landlords should consider each case on its merits so that individual circumstances can be taken into account. This would also apply to tenants applying for an internal transfer.

5.6 Abandonment or Neglect of a Property

Applicants will be suspended if there is evidence that they have previously abandoned their property. In addition, applicants may be suspended for the condition of their property, or indeed bypassed for an offer if the condition of their current tenancy is in breach of their tenancy conditions, or if an Order for the Recovery of Possession has been granted. This would apply to the Association's own tenants as well as tenants of other landlords. However, this will relate to the condition of property and not the applicant's personal housekeeping standards.

5.7 Making False or Misleading Information in the Housing Application

We will impose a suspension where the applicant knowingly or recklessly made a false statement in their application form. This only applies to a false statement by the applicant and does not extend to a false statement by a person who it is proposed will reside with the applicant. Landlords should take the extent to which the applicant has misled the landlord by providing false information into account before deciding whether to impose a suspension or deciding how long the suspension should last. The Association will review this suspension and determine whether it can be lifted once we receive accurate information. Only then will we be in a position to make a decision on whether the suspension will be lifted.

5.8 Removals

There are only 3 ways in which an application can be removed from the Association's housing list where:

- the applicant has died
- the applicant has requested removal from the list – if this request is made verbally and not in writing, the organisation will then confirm the request by letter
- the applicant fails to respond to a periodic review of the housing list or fails to provide information requested - if applicants fail to respond to a request for

information or contact as part of the annual review of the housing list, they will be removed from the housing list. Applicants will be clearly informed of the implications of not responding to the review and, following removal, will be informed of this in writing. If an applicant responds at a date after they have been removed due to not responding to the review the application will be reinstated when the Association has the information required.

SECTION 6: JOINT ARRANGEMENTS

6.1 West Dunbartonshire Council, (WDC)

Section 5 of the Housing (Scotland) Act 2001 places a legal duty on Associations to comply with requests from the local authority to rehouse homeless households. The Association has agreed a joint working arrangement with WDC which ensures our duties are met.

In addition, the Association has a Nominations Agreement with West Dunbartonshire Council (WDC).

The Association's Annual Lettings Plan outlines the proportion of lets we will make each year to WDC via Section 5 referrals and Nominations. The Section 5 (Homeless) Referrals contribute to the majority of a quota that is agreed each year between Knowes Housing Association and WDC.

The Association will continue to develop its partnership working with WDC to ensure that any new initiatives towards reducing homelessness are considered and where we can assist, implemented. This includes the contribution to the Local Authority's Rapid Rehousing Transition Plan that the Scottish Government and local authorities have agreed to combat homelessness. In conjunction with WDC, the Association has contributed to the development of the plan and will support its aims and objectives.

On receiving non-tenant applications from victims of domestic abuse/harassment and applicants who have had a relationship breakdown, these will be referred to WDC's Housing Options & Homeless Service for advice and assistance. The Association recognises the priority required for victims of domestic abuse and will work with WDC to assist in managing this as a priority. We recognise, however, that not every situation will result in a Section 5 Referral and that following the normal allocation route will be preferable. These applicants will still be pointed and processed in accordance with 8.10 of this Policy.

When we receive contact from one of our own tenants who is the victim of domestic violence, we will offer advice and assistance where possible and provide them with guidance on presenting as a homeless case to WDC. WDC have a responsibility to assist cases of this nature via the Section 5 Referral process.

Young Care Leavers – WDC has a recognised process in dealing with young care leavers accessing accommodation. Although mostly rehoused in WDC's own housing stock we will, where appropriate, consider any referral where we are able to assist with this process.

NASSO AND MAPA – The Association has a Protocol in place with WDC and, on receiving applications from High Risk Offenders, these will be agreed in accordance with the current High Risk Offenders procedure.

6.2 East Dunbartonshire Council, (EDC)

The Association has also established a Nominations agreement with East Dunbartonshire Council (EDC) to assist with housing homeless cases within their operational area. To allow the Association to manage its other obligations in terms of referrals from WDC and its own waiting lists, we have limited the amount of referrals we accept to 15%.

6.3 Positive Action In Housing, (PAIH)

The Association has a Nominations agreement with Positive Action in Housing (PAIH), however this is based on an adhoc arrangement which is determined by any demand from PAIH clients.

6.4 Other Partnership Working

The Association recognises that there is a need to ensure that our properties are suitable for all our clients and that includes those who require to have a home that is adapted to meet their physical needs (refer to section on Medical/Disabilities). Although the stock that the Association manages has a large amount of older tenemental properties that will not meet the standards required for those with a medical need or disability, those properties that are suitable will be considered for those with medical/disability needs. We will, where necessary, work with organisations such as Glasgow Centre for Independent Living, (GCIL), to identify suitable clients where our own waiting list does not have anyone who can be matched to a medically adapted property.

SECTION 7: OUR ALLOCATIONS SYSTEM

This section explains the type of allocations system that we have adopted to ensure that we meet our Policy objectives effectively. We also recognise the legal framework which social landlords must work within when developing their allocation policies. After accepting an applicant to the housing list, landlords have to decide on the priority of the application. Section 20 of the 1987 Act, amended by the Housing (Scotland) Act 2014, sets out persons to whom a landlord must give a reasonable preference.

This section covers the following issues:

- housing need
- reasonable preference
- groups plus points system
- how our system operates

7.1 Assessment of Housing Need

Following the submission of an application and the collating of all relevant supporting documentation and information, each application is assessed according to this Policy. We operate a system whereby each application is assessed and allocated a number

of points in accordance with our 'Points Schedule' and placed on the most appropriate Needs Group. The aim of this is to give highest priority to those applicants in the greatest housing need. The Points Schedule is detailed in Section 8 of this Policy.

When an applicant's circumstances change and their housing need increases (due to factors like medical needs, overcrowding, or care requirements), it's important to adjust their application date to reflect this change. This ensures fairness, as it prevents someone from bypassing others who have had a longer-standing need for housing.

In such a system, the initial application date might be used to prioritise applicants based on when they first sought housing assistance. However, if their need increases due to a change in their circumstances (e.g., a new medical condition), the application date would be adjusted to reflect when that new need arose. This approach helps ensure that those with a longer history of housing need are not unfairly bypassed by applicants who have recently experienced a sudden change in their situation.

This practice aims to maintain fairness in the allocation process, ensuring that those with longstanding or urgent needs are given priority over others who may have recently become eligible for assistance but have not been in need as long.

7.2 Reasonable Preference

Prior to the changes introduced by the Housing (Scotland) Act 2014, Knowes Housing Association was already giving reasonable preference to the following categories in its Allocations Policy. This practice will continue with an emphasis on;

- Homeless persons and persons threatened with homelessness and who have unmet housing needs. (Refer to section 7.3)
- People who are living under unsatisfactory housing conditions and who have unmet housing needs; (Refer to section 7.4), and
- Tenants of houses which are held by a social landlord and which the social landlord selecting its tenants considers to be underoccupied. ((Refer to section 7.5)

Each of the criteria above will be expanded to outline how the Association will assess and prioritise the needs of applicants.

7.3 Homeless Persons and Persons Threatened with Homelessness

Homeless households who have been assessed by West Dunbartonshire Council who are unintentionally homeless. These applicants will come through as Section 5 referrals. This will also include applicants who are threatened with homelessness. Our Policy gives priority to homeless cases via the Section 5 referral and nominations processes that we have in place with 2 local authorities, and our commitment to provide a percentage of lets to this category, which is outlined each year in our Annual Lettings Plan. We also have a Nominations Agreement in place with East Dunbartonshire Council where we will accept Nominations for homeless applicants wishing to reside in our stock. (Our Annual Lettings Plan will determine the % share of nominations from EDC that we will allocate properties to).

7.4 Unsatisfactory Housing Conditions

There is no legal definition of 'unsatisfactory housing conditions'. The term covers a wide range of circumstances such as the physical condition of the house, its unsuitability as a result of a **medical condition or disability of the occupant or other aspects of an applicant's circumstances, such as unsatisfactory living arrangements, problems with neighbours, harassment and domestic abuse and overcrowding**.

The Association awards **Medical Points** for circumstances that occur around the issues around health and whether a residence is not suitable for the applicant to remain in due to a current medical issue.

An applicant will be awarded **Social & Care Points** when there is a need to move due to other reasons other than medical. These points will be considered for applicants who need to move to either provide or receive support, or if they are victims of harassment, crime or domestic violence.

Where a property is considered unsatisfactory and there is evidence to confirm that an applicant is living in poor physical housing conditions, the application will be pointed using the **Lacking Amenities** criteria.

Where a property is deemed to be **Overcrowded** we will seek confirmation of the applicant's circumstances and award points based on the overcrowding level.

Medical/Disabilities

This Group is for applicants who have been awarded a Medical Priority Grading. In cases where an applicant's health is made worse by their current housing circumstances or securing alternative accommodation will improve an applicant's well-being, they will be asked to complete a Medical Assessment Form.

This form will be assessed and a decision made regarding whether the applicant should receive medical priority for rehousing due to their current housing circumstances making their health condition worse. Medical assessments will be carried out within 28 calendar days from date of receipt. We will not ask an applicant to provide additional information from a medical specialist if any charges apply, which will have a significant financial implication for the applicant. If required, we may contact the applicant's GP, Occupational Health specialist, our own medical advisors or we may carry out a home visit for further clarification.

It is important to note that priority will not be given based on the medical condition of the applicant and their household but based on whether a move could alleviate the health problems experienced.

When assessing the application, the following will be considered:

- The seriousness and nature of the medical condition
- The unsuitability of the current accommodation.
- Management of stairs, location, bathing facilities, etc.
- Effect of the medical condition and quality of life that rehousing would bring.

There are 3 categories placed on an application for medical priority and these are described below. The following descriptions should be used as a guide/example to the types of difficulties caused by health problems which warrant particular categories. However, they are only guides and can never describe all the potential difficulties applicants can present with.

GRADE A PRIORITY: Where an applicant has accommodation which is either life threatening or where rehousing is extremely urgent. This refers mainly to housebound cases or cases where there is severe difficulty accessing the accommodation. All applicants awarded this category of points will only be offered ground floor accommodation.

- An applicant is unable to access their current accommodation
- An applicant is unable to return home or continue living in their current home as they are at risk when trying to access essential facilities
- Not practical to adapt current home
- Ambulant disabled cases in unsuitable housing

GRADE B PRIORITY: Where an applicant's accommodation is causing serious aggravation to an applicant's medical condition. This refers to cases where there is difficulty getting to and from the accommodation or the internal layout is unsuitable.

- An applicant is unable to access their current accommodation without considerable difficulty or assistance
- An applicant is less able to get out of the house unaided
- An applicant with a condition that restricts ability to live in the property and/or environment

GRADE C PRIORITY: Where an applicant's accommodation is causing a significant degree of discomfort to the applicant's medical condition.

- Mobility problems due to the location of an applicant's home
- Where an applicant is becoming less able to gain access to essential facilities unaided
- Applicants providing or receiving support on medical grounds, to or from family living in Faifley

The above is not a complete list of examples. Points will be awarded as follows:

Medical Grade	Points Awarded
A	50
B	30
C	10

Social & Care Needs

The Housing Act 2014 states that landlords must give reasonable preference to those people who are living in unsatisfactory housing conditions and who have unmet housing needs. This includes;

- harassment and abuse, including domestic abuse;
- applicants require Social, community or family support.

We will give points to those whose current property is unsuitable due to harassment or abuse, and that this is verified by independent corroboration. Our social points are awarded based on the seriousness of the situation and for those who could not

access other types of housing in the area, or be rehoused elsewhere by their current landlord.

We also have a Management Transfer Policy that allows us to prioritise transfer for tenants who are facing serious harassment or abuse in their current homes and a move will remove them from this situation. (see Separating Partners Section 8 (ii) of this Policy)

We award social points based on the applicant's need to move for/or to provide or receive care to or from a family member or relative, and who could not access other types of housing in the area.

Social Points will be considered when an applicant needs to move for other reasons other than when the property that they are currently in is not suitable for their needs. There are situations where an individual or family seek alternative accommodation due to social reasons, such as a victim of crime, serious harassment, domestic violence, marital/relationship breakdown where a Management Transfer will not be possible, or to provide support to a family member or relative.

Social Points will be added to any other points that an applicant has and will not be a separate lettings category.

- **Social Points – Care Support Needs**

Social and Care points are awarded to applicants who have serious social or care needs, and are only considered appropriate when other solutions to the problem are not available or not feasible. The Association categorises applicants based on social/care need and this will determine the points allocated using the Social Points criteria.

Any level of Social Points will be considered for applicants who fall within this category with the seriousness of the situation determining what level of points are awarded.

- **Economic Factors**

The Association recognises that the allocation of houses can assist applicants to take up employment opportunities or maintain their existing employment. To be responsive to these economic factors, applicants who have job opportunities or have a job in the immediate vicinity of the geographical areas where the Association operates and have a travelling journey of in excess of 15 miles or one hour (whichever is the lesser) will be eligible for points.

The Association will require written confirmation of an offer of employment or details from the applicant's current employer.

The Association will be sympathetic in assessing applications for points in this category out with the above guidelines where the applicant works unsociable hours. (**Social C points** will be considered for tenants falling into this category).

The following categories are examples of applicants that will also be considered for Social and Care Needs points. Points may be considered for the applicant or their household members where appropriate.

- People who suffer from harassment including the following;
 - racial harassment;
 - religious or sectarian harassment;
 - homophobic harassment;
 - transphobic harassment;
 - harassment of autistic people and people with a learning or physical disability; and
 - sexual harassment.
- People who are victims of crime
- Economic circumstances
- Any other such circumstance which is deemed appropriate.

Social and Care points will be awarded after submission of evidence in support of the circumstances from an appropriate agency (for example letter from Social Work, Police, NHS, other housing providers or employers). Where no such supporting evidence is available an assessment will be based on the applicant's circumstances described.

Social and Care points will be awarded using the following 3 categories:

Social and Care Grade A - Extreme Priority points – 50 Points

High Social and Care points will be awarded to applicants where suitable rehousing is felt essential and that if the applicant remains in their current housing situation it may result in a serious threat to life and limb, mental stability, the stability of the family unit or result in the need for institutional care.

Although this category will give priority to a tenant or family facing severe harassment or threats of violence, domestic abuse victims will also be treated as priority cases. We will work with WDC and external agencies such as Woman's Aid or local support groups to assist in the safe rehousing of a victim of domestic abuse.

Regardless of how someone initially makes contact with the Association, they are offered an appointment with our Allocations Officer. This appointment is to provide in-depth housing advice on all the housing options available to the applicant, including options to remain at home or access to temporary accommodation. The Association does not hold emergency accommodation so will work with WDC if it is identified that emergency accommodation is required.

The safety of the applicant should be paramount. The applicant should be signposted to agencies that can assist in providing them with a place of safety where necessary. Confidentiality is crucial to the safety of the applicant. Landlords should never contact the alleged perpetrator nor ask them to corroborate the applicant's version of events.

Social and Care Grade B - Urgent Priority points – 30 Points

Medium Social and Care points will be awarded to applicants who have a need for rehousing from their current accommodation to improve their social wellbeing or improve their care needs where this is not possible from their current accommodation or location.

An award of 30 points will be made available to applicants where suitable rehousing is felt to be desirable, preferable or of benefit in resolving a problematic situation.

Social and Care Grade 'C' - Significant Priority points – 10 Points

Low Social and Care points will be awarded where an applicant's current housing condition or wellbeing could be improved by rehousing either in a new location or nearer to care support but are not in immediate risk to their wellbeing.

Assessment of Social and Care Points

The Allocations Officer will carry out an assessment for Social and Care points. When the recommendation is for Social and Care points to be awarded, this will be passed to the Head of Housing for consideration and authorisation.

Note – If an applicant is awarded Social and Care points based on an urgent need to move as remaining in their current accommodation may result in a serious threat to life and limb, mental stability, the stability of the family unit or result in the need for institutional care, but then refuses 2 reasonable offers of housing, then the Association can review whether Social Points are merited based on the fact that 2 offers have been refused. Refusal, unless justified, may allow the Association to contest the claim from the applicant that there is a **need** for an urgent move due to social reasons.

Where there are issues around the safety of a Knowes Housing Association tenant continuing to reside in their current home we will use the Management Transfer Option to assist with a move to another area within our stock. If continuing to reside within the Faifley area is not an option, then we will advise the tenant to seek assistance through West Dunbartonshire Council's Housing Options & Homeless Team.

Social and Care Points – Geographical Consideration Policy

When assessing eligibility for Social and Care Points due to an applicant intending to move into the area to provide or receive support, the geographical distance between the applicant and the person receiving or providing care will be taken into account.

Specifically:

- If the individual currently resides in close proximity to our area of operation, their application for Social and Care Points may not be considered valid, as the move does not represent a significant change in proximity or accessibility for care purposes.
- The policy is intended to prioritise applicants whose move would meaningfully improve their ability to give or receive care due to the geographical distance involved.

(When deciding on Social and Care Points, housing staff must ensure that they are not for the same reasons other points have already been awarded, such as medical conditions, or overcrowding. Staff must detail the precise reasons for awarding Social and Care Points and how they can alleviate a problematic housing situation).

7.5 Overcrowding

This Group is only for applicants who have their own property and are overcrowded, regardless of tenure, as per the eligibility criteria outlined.

When awarding points to applicants in this group, we will use the following criteria:

- 2 apartment for applicant and/or partner
- One bedroom each for any other persons unless 2 children under 10 are the same sex, in which case they can share a bedroom

Our Allocations Policy standard excludes the living room when measuring overcrowding. The legal standard states the age limit set at 10 years of age – that any child over 10 and above can have their own bedroom.

Applicants may also choose to move to accommodation that does not reduce overcrowding. In these cases, no points for overcrowding would be awarded and the application would be placed on the appropriate Needs Group.

Although we would not normally allocate houses to applicants where this would create statutory overcrowding, we may occasionally let to applicants where the allocation would provide them with more bedrooms than they currently have, but not enough to totally alleviate their overcrowding. This would normally apply to large families in areas with a shortage of larger properties.

Overcrowding assessments will include people who normally live in the house but who are temporarily absent. This could include family members working away from home for a short period such as armed forces, students, etc.

If 2 households who are both currently tenants of the Association wish to give up their current homes to form one household in a different property, points will be awarded. In addition, when assessing these applications, we will consider all members from both households as one household. The size of this new household will then be compared with the size of the larger of the 2 properties to see if it is large enough for the new household to move into. If the property is not large enough, points will be also awarded under the overcrowding criteria. The household will also be assessed under the other points criteria.

Applicants will receive overcrowding points up to and including 6 apartments, but no higher.

- | | |
|-----------------------------------|------------------|
| • For one bedroom short | 15 points |
| • Each additional room thereafter | 10 points |

7.6 Property Condition

The tolerable standard sets out the basic requirements for a healthy safe home. It applies to all tenures and is as defined by section 86 of the 1987 Act and amended by Section 102 of the 2001 Act and Section 11 of the Housing (Scotland) Act 2006. The tolerable standard is under review and landlords should note any changes to the standard in developing and applying their allocation Policy.

A house meets the current tolerable standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;
- has satisfactory facilities for the cooking of food within the house; and
- has satisfactory access to all external doors and outbuildings.

A property is below tolerable standard if one or more of the criteria set out above are not met. If evidence is not already available, landlords may want to bring in the local authority's Environmental Health Service to assess whether the property meets the tolerable standard.

If any one of the above living conditions are verified the Association will recognise an applicant's housing need by awarding 35 points.

7.7 Underoccupancy

Landlords are expected to make best use of their housing stock. As well as providing information on the benefits of downsizing, such as potentially lower fuel bills, Knowes Housing Association will give additional points/priority for each room underoccupied

The Housing (Scotland) Act 2014 also suggests that landlords could incentivise tenants to move to a smaller house by

- paying financial incentives to the tenant; or
- providing help with removal costs or for things like white goods and carpeting.

The financial impact on the Association funding these options means that this is something that can't be considered at present.

Reducing underoccupation helps to make best use of housing stock, in line with tenancy sustainability. Applicants may wish to move to smaller houses as their present home is too large. Releasing houses for let due to underoccupation may benefit other applicants.

Guidance suggests that landlords should consider supporting tenants to downsize by treating underoccupiers as a priority group regardless of housing need, particularly if they are living in a property type which is in demand. The Association has a lettings

category for Underoccupancy that allows us to prioritise cases where a move would free up accommodation for larger families.

Tenants can apply to move to accommodation that reduces present underoccupation levels even if the house remains underoccupied. Such applicants would be awarded underoccupation points for each bedroom they are underoccupying by, only if underoccupation is reduced.

Our Allocations Policy standard excludes the livingroom when measuring underoccupancy. The legal standard states the age limit set at 10 years of age – that any child over 10 and above can have their own bedroom.

Applicants may also choose to move to accommodation that does not reduce underoccupancy. In these cases, no points for underoccupation would be awarded and the application would be placed on the appropriate Group.

Applicants will receive underoccupancy points up to and including 2 apartments, but no lower.

For each bedroom underoccupied = **10 points**

Bedroom Tax

Overcrowding and the Department of Works and Pensions Size Criteria

Variation in Age and Sex Criteria:

DWP STANDARDS: One Bedroom for 2 children (under 16) of the same sex & : One bedroom for children of different sex aged 10 or over.

KHA position is : One Bedroom for 2 children (under 10) of the same sex

The Association recognises that the property size criteria for a family to be suitably housed as determined by its Allocations Policy and the criteria required to be met for qualifying for housing benefits as defined by the Department of Works and Pensions (DWP) has variations which may have a direct impact on some of our tenants and future tenants whose household circumstances requires them to rely on housing benefit to support their rental payments.

The Association further recognises that good quality space standards for households supports all round family development including childrens' educational needs for private space to study and develop. In view of this, the Association may provide (when available housing stock permits) property size choices for new applicants and existing tenants requesting a house transfer. A degree of choice may be offered to applicants who are affected by the variations in the criteria of the DWP and the Association's Allocations Policy. In practice this provision will allow an applicant to consider their own circumstances around family size and ability to pay. A household may be offered a property size which meets the Association's age and sex criteria where the applicant has the ability to maintain the requirements of this tenancy including the rental commitments, alternatively the Association may offer a property which meets the DWP age and sex requirements where a household finds this to be their preferred housing option permitting them to sustain the tenancy with the option of a future housing transfer to larger property when their family circumstances change.

Applicants who require this provision MUST state on their housing application the property size required in which they wish to be queued for. This will be the property size that will be selected should the applicant be made a housing offer. Should there be a change in circumstances and the applicant wishes to have their property size request changed, this should be notified to the Association as a change of circumstances.

The Association will continue to use the 10 year old rule for sharing a room **but** will advise all applicants that they have an option and outline the Housing Benefit repercussions.

At present all bedroom tax cases in Scotland receive discretionary housing payments, DHP, to make up the shortfall in Universal Credit or Housing Benefit caused by bedroom tax, so at present applicants should not face financial hardship if they accept a property that UC/HB deem falls within the bedroom tax criteria, however we should still inform applicants of this issue in the event that DHP is no longer available.

Underoccupancy – Other Exceptional Cases

There will be cases where the Association will consider providing a property may result in underoccupancy.

- Where a separated non married partners has access rights to a child/children, then we would normally allow the applicant one additional bedroom to be used to the child/children during access. Individual circumstances can be taken into account.
- Should an applicant be pregnant and, on the birth of their child, they will be overcrowded, that application will only be placed on the Overcrowded Group once proof of pregnancy has been received. When an applicant has a change of circumstances and qualifies for overcrowding points, the date of application would change to the date the household is actually overcrowded (e.g. Date of confinement)

7.8 Other Housing Needs

The Housing (Scotland) Act 2014 outlines the 3 groups where reasonable preferences should be given when assessing an application for housing, however in addition to these there is scope to allow landlords to recognise other factors and needs and consider these when assessing an application for housing.

This Group will include all other applicants without a KHA tenancy. Points will be awarded based on whether the applicant is sharing amenities with another household.

Insecurity of Accommodation – Applications from people living in insecure accommodation will be awarded points in this group. Applicants who are homeless or threatened with homelessness can apply for housing through West Dunbartonshire Council's Homeless Service which includes advice and assistance. Insecurity of Accommodation covers a range of situations, including applicants who live in:

- **Private sector accommodation with a Short Assured Tenancy** – this covers private rented accommodation that is ending due to actions by the landlord or agency to seek recovery of possession. For instance, this might apply in cases where the landlord is terminating either an assured or short assured tenancy through the correct legal procedures. Insecurity of Accommodation points may also be awarded to owners whose home is threatened because of mortgage default. This may happen if owners cannot afford to maintain mortgage payments and lenders have taken court action to recover the property for sale or an owner has had to sell their property before court action becomes an issue. Points are awarded once the applicant **has had a date to leave** the accommodation. When processing applications, we will carry out checks and ask for proof as required to confirm details.
- **Tied Accommodation** – this applies to applicants living in accommodation as part of their employment duties. We award points under this category when the occupation is ending due to termination of employment. Applicants are asked to provide confirmation of this, ie. copy of employers notice letter will be required.
- **Armed Forces Personnel** – this applies to Armed Forces Personnel who occupy service accommodation and want to be rehoused within the area. We encourage applicants to apply as soon as possible before discharge. Applicants are required to provide a copy of their certificate of discharge.
- **People of no fixed abode** – applicants of no fixed abode will be awarded a minimum number of points for the number of bedrooms that they actually need in line with our occupancy standard detailed at 8.2. These applicants will be advised to contact West Dunbartonshire Council's Housing Options and Homeless Service for advice and assistance.
- **Separating Non married partners** – the Association will try to assist with separating non married partners and rehousing under our Management Transfer, however in most cases if they require urgent rehousing, they would be advised to contact West Dunbartonshire Council's Housing Options and Homeless Service for advice and assistance.
- **Temporary Accommodation** – anyone who approaches the Association for housing and is in temporary accommodation due to being homeless will be considered for housing through the Section 5 and Nominations agreements we have with the local authorities.

30 points will be awarded to those applicants in the above categories.

Shared Accommodation & Amenities – Applicants who stay with other people such as friends or relatives or who are lodgers and share key amenities such as kitchen, bathroom or toilet, but want their own accommodation will be included in this Group. It also includes partners in a relationship breakdown who now want to live separately and adult children wanting to leave the family home to live independently. - **30 points**

Management Transfer

There are various reasons where a Management Transfer may apply. These can range from domestic abuse cases where a move would assist in managing a case where one partner is unable to remain in their current accommodation, to a relationship breakdown which is irrecoverable or in certain circumstances where a transfer of one of our own tenants can alleviate a situation that is not resolvable using

other methods. Priority may be awarded where extreme circumstances apply to a particular case which is not covered by the Allocations Policy.

Due to the exceptional circumstances, an offer should be made within 3 months. Where this is not possible, the case will no longer be considered as a special case. As these circumstances will require urgent rehousing, all applicants will also be referred to the local authority as they have a nominations agreement with all local landlords. This should maximise the likelihood of the applicant being housed.

The Head of Housing will meet with the CEO to discuss and approve the case prior to any allocations being made. If agreed, a report will be drafted for auditing purposes outlining the circumstances therein.

Transfer Category

This Group is for tenants of Knowes Housing Association who have an aspirational desire to move to a different property within Association stock. These applicants will have no registered housing need recognised within the other groups. A separate transfer list is important to meet Policy objectives for the following reasons:

- It promotes households to move to other accommodation, in turn releasing stock to other applicants.
- Meeting the needs of tenants is important to establish communities that are popular and therefore sustainable.

It should be noted that this Group is not points led and applicants are instead placed in order of date of application.

Foster Carers

The Association has in the past received enquiries from applicants who provide a foster service. The Association will deal with each case on an ad hoc basis and consider an award of points based on the needs of the care that the applicant's provide. We will request written, official confirmation of the service level of care provided and the client group, and this will determine the type of property that we will consider them for.

SECTION 8: THE NEEDS GROUPS AND POINTS

Groups plus points system

The groups plus points system establishes a number of groups with individual applications placed into an appropriate group. Applicants in the group are then awarded points for any housing needs that they have.

If applicants share the same points within the same group, applications will be prioritised based on their date of application. Therefore, if 2 applicants have the same points, the applicant who registers first will be given greater priority.

We use our Annual Lettings Plan to assess the target of lets that should be allocated to each group. These targets are reviewed annually and are amended based on actual housing needs and housing stock available for letting.

We have established a total of 7 Needs Groups. These groups cover the main needs covered in housing law and good practice guidance.

Our groups are as follows:

- Medical
- Overcrowded
- Transfer
- Underoccupied
- Waiting List
- Nominations
- Section 5 referrals.

We place applications into a group using the following method. Applicants are placed in the highest priority group reflecting their housing need.

It should be noted that where an applicant has more than one housing need, and could be placed on more than one Group, their applications will be reviewed and consideration will be given in relation to which Group they would be best placed on.

There should always be reference made as to whether there are Section 5 Referrals awaiting an offer and the Nominations/Homeless Annual Lettings Plan quotas should be adhered to when considering the appropriate group for selection. The Association will request nominations from West Dunbartonshire Council as and when required.

There will be other lets made throughout the year due to Mutual Exchanges, Succession, Assignment, Mortgage to Rent, and Buy Backs and these will be recorded on the Association's IT system, however there are no set targets for these due to their ad hoc nature.

SECTION 9: MAKING AN OFFER

All offers of housing will be made in writing and will outline the address of the property being offered, the property type and the rent being charged. The recipient is asked to respond within 2 working days on receipt of the offer letter to confirm if they are interested.

Offers will be made using the Association's IT Allocations System that produces a matching list of applicants for the property available. This list is based on the needs of the applicant, with those assessed as being in greater housing need awarded higher points putting them at the top of the queue. There are applicants who will receive no points as they have no housing need and they will also be considered for housing where there is no one above them in the queue and they are matched with a suitable property. Where there are applicants who have the same points, (or zero points), the Association will select the person whose date of application is the earliest. (The Association's Allocations Procedure covers the full process involved in allocating a property).

SECTION 10: HARASSMENT & VIOLENCE

The Association recognises that people have a right to a life free from harassment, violence and abuse. Should applicants or tenants be victims of abuse of a violent or domestic nature or breaching equalities guidelines they will be given the appropriate advice regarding what agencies will be able to assist in what is essentially an emergency situation. The homelessness process will be explained as will the Association's obligations under Section 5 of the 2001 Act and the Nominations Agreement with West Dunbartonshire Council.

While all harassment complaints will be treated with priority and may have an impact on priority for rehousing, complaints of anti-social behaviour and neighbour nuisance are rarely resolved through rehousing. Knowes Housing Association along with other social landlords, has a legal obligation to deal with anti-social behaviour and this is outlined in our Anti-Social Behaviour Policy.

SECTION 11: SUSTAINABILITY

The Association aims to ensure that individual tenancies are sustainable and in order to achieve this we strive to: -

- Match people with appropriate properties, for example meeting physical mobility needs;
- Housing people in appropriate locations – close to support networks, schools, etc.
- Promote stable, balanced communities – this is not straightforward, but the ideal position would allow the Association to avoid over concentrations of one particular household type or housing need in specific areas, while at the same time trying to avoid potential clashes of lifestyle.

The Scottish Housing Regulators ARC Performance Indicators have existed which look at the proportion of households allocated a permanent tenancy that remain in that tenancy 12 months later (this has extended over time from a focus on homeless lets to those from all sources).

The Scottish Social Housing Charter introduced in April 2012 outlines a series of outcomes that all social landlords need to show that they are achieving for their tenants, residents and other customers. Indicators 2, 20, 22, 23 and 24 will therefore apply.

Tenancy Sustainability is one of these outcomes (Outcome 11) and the Charter states that social landlords should ensure that:

“tenants get the information they need on how to access support options to help them to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations”

Improving tenancy sustainability is therefore a key objective for the Association.

Other Information

Promoting our Stock

We will ensure that our Allocations Policy is promoted throughout West Dunbartonshire and beyond. An information leaflet “Applying for a Knowes Tenancy” will be made available to all applicants at the point of application. Both the summary and full copy of the Policy is available to download on the Association’s website.

Mutual Exchange

Scottish Secure Tenants have a legal right to exchange their homes with other Scottish secure tenants. Landlords can only refuse permission if it is reasonable to do so.

The Association has a separate Mutual Exchange Policy that sets out the requirements that apply to tenants wanting to exchange their homes with other tenants. The Association is also registered with Homeswapper that assists tenants looking to mutually exchange with other tenants both within and out-with the area. These policies are available on request.

Application Review

We review applications annually on a rolling basis. The date of review is based on date of application. This is important to maintain accurate information about applicants so that appropriate offers are made. Applicants may be required to complete a new application form if circumstances have changed.

SECTION 12: APPEALS

Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association’s Complaints Policy which is available at the Association’s office. Tenants also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which Tenants can complain and the timescales for responding. Tenants can also appeal any decision that’s is made regarding the allocations process.

SECTION 13: CONSULTATION

Consultation and discussion is invaluable in allowing us to achieve a Policy and working procedures that will, as far as possible, reflect our customers’ needs and aspirations. We will therefore consult with service users on all reviews of this Policy in accordance with the Housing (Scotland) Act 2001, Housing (Scotland) Act 2014 and the Association’s own Tenant Participation Strategy.

We use a range of methods to consult with our customers, service users and local organisations. Examples of this are as follows, although this list is not exhaustive:

- Updates on the Association’s website as and when required
- Social media platforms
- Applicants and tenants will receive written communication as and when required when Policy changes affect their points on the Housing List
- Knowes’ Newsletter articles

- Community Working Group

SECTION 14: EQUALITIES STATEMENT

Through this policy, no member of staff, committee or other person will be discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

Appendix 1

The table on this page outlines some proof that we may ask for. Please note the table is not definitive or complete and we may ask for other relevant information in order to satisfy our needs assessment.

<u>Circumstance</u>	<u>Proof Required</u>	<u>When Required</u>	<u>Points Affected</u>
Proof of Identity	Ideally photographic ID	At point of application	Cannot proceed with offer if not provided
Current Address	Bank/Building Society statement Utility bill Tenancy Agreement DWP benefit confirmation letter	At point of application	Cannot proceed with offer if not provided
Insecurity of Accommodation	Copy of valid Notice to Quit/ letter from landlord, certificate of discharge, employers notice letter	At point of application	No points awarded if not provided
In need of rehousing as health affected by current housing circumstances	Medical Assessment Form	At point of application	No medical assessment if not completed
Pregnancy	Mat B1 Form/Pregnancy confirmation document	At point of application	Circumstances will not be taken into account if not provided
Foster Carers	Letter from Social Work or Fostering Agency	At point of application	Circumstances will not be taken into account if not provided
Property Below Tolerable Standard	Certificate from Environmental Health/Confirmation from RSL/Council	At point of application	Circumstances will not be taken into account if not provided
Care provision to/from a friend or relative	Medical Assessment Form	At point of application	No consideration if form not completed

Appendix 2

REPORT TO HOUSING SERVICES SUB-COMMITTEE MEETING – POLICY ON THE CODE OF CONDUCT FOR COMMITTEE MEMBERS

The SFHA Model policies and procedures for Governing Body Members issued in August 2013, updated August 2014 deals with matters relating to corporate governance in social housing organisations which is becoming increasingly important. The purpose of this Policy is to (i) reaffirm the Association's commitment to transparent and accountable governance and (ii) to ensure that our Code of Governance contains up-to-date good practice.

As a Registered Social Landlord (RSL), Knowes Housing Association is required to adopt and comply with an appropriate Code of Conduct – this Code is based on the Model produced by the SFHA. The Scottish Housing Regulator (SHR) has confirmed that this Code fully complies with its Regulatory Standards and their input during the production of this Code is acknowledged.

The Code is based on the 7 principles which are recognised as providing a framework for good governance. They demonstrate selflessness, openness, honesty, objectivity, integrity, accountability and leadership.

The following table outlines those who you should consider when declaring interests:

Group 1 Members of your household	Group 2 People closely associated with you	Group 3 Others you need to consider
Anyone who normally lives as part of your household, whether they are related to you or not, including non married partners/partners who work away from home and sons and daughters who are studying away from home	<ul style="list-style-type: none"> • Parents, parents-in-law and their partners • Sons and daughters; stepsons and step-daughters and their partners • Brothers and sisters and their partners • A partner's parent, child, brother or sister • Grandparents, grandchildren and their partners 	<p>Other relatives (e.g. uncles, aunts, nieces, nephews & their partners)</p> <p>Other friends (e.g. someone you are acquainted with socially, neighbours, business contacts/associates)</p>

	<ul style="list-style-type: none"> Someone who is dependent on you or whom you are dependent on Close friends 	
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Tenancies can be granted to the above persons provided the offer is made in line with the Association's Allocations Policy, and the person is not involved in the allocation decision. While changes in regulation have superseded Schedule 7 and this is no longer mandatory, the Association will ensure that the allocation of a tenancy must be approved by the relevant Association's Committee in accordance with the aforementioned Section 63/Schedule 7 of the Housing (Scotland) Act 2001 and would require one Committee signatory in all cases. All declared interests must be recorded in the Register of Interests which is available for public inspection. Committee members are responsible for approving the Policy and for monitoring the effects of the Policy. They are not directly involved in the allocation of housing.

In accordance with the above, and Knowes Policies on Code of Governance for Committee Members (G01) and Payments, Benefits and Corporate Accountability (G04), the Committee is required to consider the allocation of a
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I would recommend that under Section 10 (10.1) declaring and managing personal interests under Knowes Policy on Code of Governance for Committee Members and under Section 6(c) circumstances and Conditions for Exceptions of the Knowes Policy on Payments, Benefits and Corporate Accountability, the tenancy be granted and the exception be recorded in the minutes of the Committee Meeting and in the Register of Interests.

Signed:

Date:

REPORT TO MANAGEMENT COMMITTEE
POLICY ON THE CODE OF CONDUCT FOR STAFF

The SFHA Model policies and procedures for staff issued in August 2013, updated August 2014 deals with matters relating to corporate governance in social housing organisations which is becoming increasingly important. The purpose of this Policy is to (i) reaffirm the Association's commitment to transparent and accountable governance and (ii) to ensure that our Code of Governance contains up-to-date good practice.

As a Registered Social Landlord (RSL), Knowes Housing Association is required to adopt and comply with an appropriate Code of Conduct – this Code is based on the Model produced by the SFHA. The Scottish Housing Regulator (SHR) has confirmed that this Code fully complies with its Regulatory Standards and their input during the production of this Code is acknowledged.

The Code is based on the 7 principles which are recognised as providing a framework for good governance. They demonstrate selflessness, openness, honesty, objectivity, integrity, accountability and leadership.

The following table outlines those who you should consider when declaring interests:

Group 1 Members of your household	Group 2 People closely associated with you	Group 3 Others you need to consider
Anyone who normally lives as part of your household, whether they are related to you or not, including non married partners/partners who work away from home and sons and daughters who are studying away from home	<ul style="list-style-type: none"> • Parents, parents-in-law and their partners • Sons and daughters; stepsons and step-daughters and their partners • Brothers and sisters and their partners • A partner's parent, child, brother or sister • Grandparents, grandchildren and their partners 	<p>Other relatives (e.g. uncles, aunts, nieces, nephews & their partners)</p> <p>Other friends (e.g. someone you are acquainted with socially, neighbours, business contacts/associates)</p>

	<ul style="list-style-type: none"> Someone who is dependent on you or whom you are dependent on Close friends 	
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Tenancies can be granted to the above persons provided the offer is made in line with the Association's Allocations Policy, and the person is not involved in the allocation decision. While changes in regulation have superseded Schedule 7 and this is no longer mandatory, the Association will ensure that the allocation of a tenancy must be approved by the relevant Association's Committee in accordance with the aforementioned Section 63/Schedule 7 of the Housing (Scotland) Act 2001 and would require one Committee signatory in all cases. All declared interests must be recorded in the Register of Interests which is available for public inspection. Committee members are responsible for approving the Policy and for monitoring the effects of the Policy. They are not directly involved in the allocation of housing.

In accordance with the above, the Committee is required to consider the allocation of a to

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I would recommend that under Section 10 (10.1) declaring and managing personal interests under Knowes Policy on Code of Governance for Committee Members and under Section 6(c) circumstances and Conditions for Exceptions of the Knowes Policy on Payments, Benefits and Corporate Accountability, the tenancy be granted and the exception be recorded in the minutes of the Committee Meeting and in the Register of Interests.

Signed:

Date: