

HOMES FOR LIFE HOUSING PARTNERSHIP

ALLOCATIONS POLICY

Date Effective From:

August 2006

1.0 INTRODUCTION

1.1 General

1.1.1 This document outlines the Company's Allocations Policy, one of the key documents we produce. In line with good practice, the underlying principle in allocating housing stock is to take full account of housing needs whilst sustaining local communities. This will help the Company achieve both operational and strategic objectives.

1.1.2 The aims of Homes for Life Housing Partnership in relation to the allocation of housing are:

- to provide affordable housing for those in housing need
- to reduce homelessness, particularly in the East Lothian area
- to contribute to achievement of sustainable communities

1.2 Nominations Agreement with East Lothian Council

1.2.1 The Company had a nominations agreement with East Lothian Council, to take account of the significant financial and land contributions made by the Council. This allowed the Council to nominate for 100% of the Company's new lets and re-lets [after consideration of any internal transfer needs]. This was due for review in 1 April 2004. After extensive consideration of alternatives with the Council, this has now been replaced with a combined Nominations and Section 5 Protocol (**See Appendix 4**)

1.3 Formulation of Policy

1.3.1 This policy takes account of good practice documents, such as Performance Standards for Social Landlords (November 2001) and the Scottish Federation of Housing Associations' Raising Standards document, Chapter 1, as well as seeking to comply with the requirements of the Housing (Scotland) Act 2001.

1.4 Equal Opportunities

1.4.1 The Company aims to be an equal opportunities organisation. To this end we have a separate equal opportunities policy, supplemented by an Equality Action Plan.

1.4.2 This means that the Company will seek to ensure that all applicants have an equal right of access through implementation of this policy, and that:

- It will not directly or indirectly discriminate against any applicant, on the grounds of ethnic origin, sex, religion, marital status, gender, disability, sexuality or political belief as detailed within the Equal Opportunities Policy
- In the provision of housing services, it will seek to ensure equality of opportunity and treatment.
- The records of the racial origin, gender and disability of each applicant will be monitored to help measure and fulfil the commitment to equal opportunities

1.4.3 Other legislation governing Equal Opportunities for all applicants includes the Disability Discrimination Act 1995 and the Sex Discrimination Act 1975.

2.0 THE HOUSING LISTS

2.1 Anyone who is 16 years or older has the right, under the terms of the Housing (Scotland) Act 2001, to apply for housing and to be admitted to any Registered Social Landlord's Housing List. Traditionally Registered Social Landlords have each maintained separate lists and applicants have needed to register separately with a number of different RSLs who are active in their area of choice, some of whom may have very limited turnover of existing stock or very limited future development programmes. This can be inefficient, ineffective and inconvenient for both applicants and Registered Social Landlords. In response to this the Housing [Scotland] Act 2001 included provisions for establishment and maintenance of "common housing registers" to be kept jointly by or on behalf of each local authority and any Registered Social Landlords active in that area. The Company is working with East Lothian Council and other Registered Social Landlords active in East Lothian, to simplify and improve access routes into housing through development of a "common housing register". In the meantime the Company in order to ensure its vacant properties are made as widely available as possible has chosen to jointly operate, with East Lothian Housing Association, a choice based lettings system of Allocations and a shared housing list. The system is called homehunt[®] **(See Appendices 1,2 and 3 for an overview of the homehunt[®] registration and allocation processes)**

Admission to Housing Lists

2.5 Applicants will have to be clear on the difference between the right to be admitted to Housing Lists and the right to be allocated a house. The Company's turnover is historically very low and, therefore, the expectation is that it will be able to provide offers for only a small minority of applicants interested in housing in East Lothian. Consequently, no

guarantee can be given that any applicant will be made an offer of housing.

- 2.6 All applicants will be advised of the likelihood of being housed once their application has been processed. This may be of particular importance to households whose applications do not attract a Priority Pass. (See appendix 2 for Priority pass definitions)

Periodic Review

- 2.7 In order to help ensure that the information held remains up-to-date and that each applicant still wishes to be considered for housing, the lists will be subject to periodic review.
- 2.8 At the time of the review, applicants will be asked to confirm that (i) all details held are still relevant or (ii) a change in circumstances has occurred and this needs to be taken into account. This will initially be done by post, but applicants can respond by telephone if this is an easier option. Where there is no response, effort will be made to contact by telephone as well as sending a second letter. If there is no response to this within the time specified in this correspondence [which will be not less than 21 days], the application will be removed from the list. This will be made clear in any correspondence.

3.0 INTERNAL TRANSFERS

- 3.1 Internal transfers occur where a current tenant moves to another one of the Company's properties. As with **homehunt**[®] lets, allocations will be made principally on the basis best use of property, housing need and then date order of application. All applicants for an internal transfer will therefore be required to complete a transfer application form. This can be completed by phone.
- 3.2 All current tenants will have the right to apply and be admitted to the Internal Transfer List. However, given the low turnover of stock, it is not possible to guarantee that any offers will be made, applicants will be made aware of this and asked to complete a homehunt[®] registration form and encouraged to apply for appropriate vacancies.
- 3.3 Transfer applicants should also note that those with significant arrears may be suspended from the list, unless a repayment arrangement has been in place (and maintained) for at least three months. See also Appendix 1 section 3.
- 3.4 Transfer applicants will have a pre-inspection of their property carried out before any offer of property is made and will be advised of any work to be completed by them to bring the condition of the property up to a satisfactory standard, acceptable to the Company. If the applicant is required to complete any work to fulfil their obligations as detailed in the Scottish Secure Tenancy Agreement, then their application will be placed on hold until this work has been completed and the Company notified.

3.5 Any rechargeable repairs including rental loss and associated administration costs arising from a transfer (for example where a decoration allowance needs to be offered to an incoming tenant or should the garden require maintenance) will be charged to the transferring tenant

4.0 MUTUAL EXCHANGE POLICY

4.1 The Company supports the principle of mutual exchanges. Homes for Life tenants may arrange Mutual Exchanges:

- With other Homes for Life tenants
- With other public sector landlords in the United Kingdom
- Through the HOMESWAP scheme for exchanges across the country

4.2 The local council office has traditionally displayed details of all tenants of public sector and registered social landlords wishing to exchange with another tenant. This system has worked well in the past, and it is the Company's intention to carry on in this fashion.

4.3 Conditions of the Company's Mutual Exchange Policy are as follows:

- A tenant wishing to exchange houses with another tenant must first obtain the Company's written consent to the exchange. This will not be unreasonably withheld. The person with whom they wish to exchange with must also obtain permission from his/her landlord who may have certain conditions regarding Mutual Exchanges. Exchanges will not normally be permitted where either landlord is taking legal action for recovery of possession.
- The Company's tenant must have been resident in the property for at least 6 months.
- The Company will not normally approve a Mutual Exchange if that house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and, if the exchange took place, there would no longer be a person with such special needs occupying the house.
- The Company will not normally approve a Mutual Exchange if the property would become overcrowded or under occupied by more than one apartment.
- Both tenants wishing to exchange will be visited by the Company's Housing Officer. The Company tenant's house will be inspected. Any repairs required to bring the property up to a reasonable standard must be remedied to the Company's satisfaction before permission to exchange will be granted.

- The Company will not carry out any redecoration for the incoming tenant.
- If the exchange is approved the incoming tenant must occupy the property within a reasonable period. Failure to take up residence within one month will result in ending the tenancy of that property.
- The incoming tenant must be intending to occupy the property for at least six months
- In the event of any of the parties giving false or misleading information or deliberately withholding relevant information, the Company will take action for recovery of possession or to reverse the exchange through the courts.
- The new Tenancy with the Company will be the Scottish Secure Tenancy in terms of the Housing (Scotland) Act 2001.

5.0 THE TENANCY AGREEMENT

- 5.1 The Housing (Scotland) Act 2001 introduces the Scottish Secure Tenancy (SST), and the vast majority of lets after 30 September 2002 have been (and will continue to be) made on this basis.
- 5.2 In certain very limited circumstances, however, the Company may decide to let on the basis of a Short Scottish Secure Tenancy. The circumstances are:
- Where the tenant/joint tenant has been evicted for anti-social behaviour in the past three years
 - If the tenant or any member of the household is subject to an anti-social behaviour order
 - Accommodation let on a temporary basis to someone in receipt of housing support services
- 5.3 The short SST will be for a period of at least six months. In line with good practice, we will aim to convert any short SST to a full SST within 12 months, subject to satisfactory conduct.
- 5.4 The Company will not unreasonably reject a request for a joint tenancy with another household member.

6.0 HOMES MOBILITY SCHEME

- 6.1 HOMES is an exchange scheme operated throughout the United Kingdom to assist local authority and social landlord tenants to be nominated by their landlord to another similar landlord, assuming that the move relates to one of the following criteria:

- The applicant needs to move in order to take up a job which is outwith reasonable daily travelling from their present address
- The applicant wishes to move to give or receive support from relatives or friends
- The applicant needs to move for medical, health or other social reasons (for example, violence or harassment)

6.2 The Company supports the principles of the scheme, but feels that its stock – and turnover – is too low for any unqualified commitment to operating it. Nonetheless, the Company will give advice and information on the scheme to:

- Any Homes for Life tenant needing to move to another area
- A tenant of another local authority or social landlord wishing to move to East Lothian

This is likely to involve referral to another party.

7.0 SUCCESSION, ASSIGNATION, SUB-LETTING AND LODGERS

7.1 Succession

7.1.1 Succession to a Scottish Secure Tenancy occurs when a tenant dies and their tenancy is inherited by someone left in the household. The law is very clear on who is eligible to succeed a tenancy (the **qualified person**) and also specifies the order in which each category is given priority.

7.1.2 Where there is a joint tenancy, the tenancy automatically remains with the other joint tenant(s), provided the house was their only or principal home at the time of the tenant's death.

7.1.3 In all other circumstances, the order of succession is:

- a) the tenancy may be inherited by the tenant's spouse or partner, providing that the house has been their only or principal home at the time of the tenant's death
- b) if (a) does not apply, then the tenancy may be inherited by a member of the tenant's family, providing that it was their only or principal home at the time of the tenant's death
- c) if neither (a) nor (b) applies, then the tenancy may be inherited by a carer, providing that the house was the carer's only or principal home at the time of the tenant's death and that the carer had given up another only or principal home in order to move in with the tenant before his/her death

7.1.4 The type of tenancy given after succession is a full Scottish Secure Tenancy.

- 7.1.5 Where a house has been designed or substantially adapted for the use of someone with special needs, only spouses, partners, joint tenants or persons with similar special needs can succeed the tenancy. Others who would otherwise be eligible to succeed the tenancy will be offered alternative accommodation by the Company.
- 7.1.6 The tenancy may only be inherited twice under these provisions.

7.2 Assignment

- 7.2.1 Assignment occurs when the Company consents in writing to a tenant/joint tenant giving up their tenancy in favour of someone else who occupied the house as their only or principal home for at least 6 months before the assignment.
- 7.2.2 The Company will not unreasonably refuse consent to an assignment request. The Company will not normally agree an application where the Company is taking legal action to secure recovery of possession of the property from the current tenant or where the person to whom they wish to assign the tenancy has an outstanding Anti Social Behaviour Order, or has been evicted for anti social behaviour in the past 3 years.
- 7.2.3 The assigned tenancy will be on the basis of a full SST.

7.3 Sub-Letting

- 7.3.1 Tenants may apply for written permission to sub-let their house to another person for a period of up to one year if they are going to be absent on a temporary basis (for example, extended holiday or working/training/studying away for up to one year). The Company will not unreasonably refuse permission . Permission will not normally be granted where the tenant is the subject of legal action for recovery of possession or if the person to whom they wish to sub-let, or any member of their household, has an outstanding Anti Social Behaviour Order, or has been evicted for anti social behaviour in the past 3 years.
- 7.3.2 Where sub-letting is permitted, the tenancy remains in the name of the tenant and cannot be succeeded to by the sub-lessee. The tenant remains responsible for the rent, even although he/she may have come to an arrangement with the sub-lessee for reimbursement. The tenant must also ensure that the sub-lessee does not behave in a manner that would constitute a breach of the Tenancy Agreement (for example, anti-social behaviour) or the Company may take steps to remove the sub-lessee.

7.4 Lodgers

- 7.4.1 Tenants may have lodgers, providing that the Company's prior written permission has been granted. The Company will not unreasonably refuse permission. Tenants should note, however, that they will not be permitted to have lodgers if overcrowding results, if the proposed lodger

has an outstanding Anti Social Behaviour Order, or has been evicted for anti-social behaviour in the past three years.

7.4.2 Lodgers have no rights of succession, nor can the tenant assign the tenancy to a lodger.

8.0 LETS TO STAFF OR DIRECTORS OR MEMBERS OF THEIR FAMILIES

8.1 The Company's staff and Directors (and their families) are prevented by law from obtaining any benefit as a result of their connection with the Company. The appropriate legislation is Schedule 7 Part 1 of the Housing (Scotland) Act 2001. This means that any lets made to a staff member, a Board Director or their families must only be done on the basis of housing need as defined by the points system.

8.2 In other words, the let would have been made to that person in any case as he/she exhibited the greatest housing need at the time the selection was made.

8.3 The Company has a Schedule 7 Part 1 Register in which it details every allocation made in this way. This provides additional safeguards to tenants and any other interested party, as this Register is inspected by Communities Scotland as part of its regulatory function and by our internal auditor as part of any audit visit, with individual allocations being selected at random and checked for appropriateness by either of these parties. Penalties for breaching this legislation are significant.

10.0 DENIED ACCESS, SUSPENSIONS, EXCLUSIONS AND REMOVAL FROM THE LISTS

10.1 Suspensions from the Housing List

10.1.1 Homes for Life Housing Partnership will ensure there is a continuous opportunity for people aged 16 and over to apply for housing. This means that, in the vast majority of cases, we will ensure that access is not denied to, nor suspended from, our Housing List [whether held separately or jointly with other Registered Social Landlords].

10.1.2 However, applications will normally be suspended/placed on hold in the circumstances outlined at section 3 of Appendix 1.

- Where the applicant has rent arrears equivalent to or greater than one month's rent and where an arrangement to repay this amount has not been adhered to for a period of at least three months.
- Where the applicant or a member of the household to be re-housed is subject to a current Anti-Social Behaviour Order (ASBO) or has been evicted for anti social behaviour in the last 3 years, or has been violent towards staff of this or another Registered Social Landlord in the past

three years. (The final criterion would have to be evidenced and legal advice sought on an individual case basis).

10.1.3 Applicants who are suspended from the list will be notified of this in writing. An explanation will be provided on the reasons and the time period that the suspension is to apply will be clearly noted.

10.2 Suspensions from the Transfer List

10.2.2 In addition to the above, internal transfer applicants with rent arrears of over three months' rent OR where a Notice of Proceedings for rent arrears is outstanding will require to have kept a repayment arrangement for at least twelve months, otherwise their application will be suspended until these criteria have been met.

10.3 Removal from the Lists

10.3.1 It will not be usual practice for the Company to remove applicants from the lists [whether held separately or jointly with other Registered Social Landlords] and, where this does occur, it will be confined to the following circumstances:

- the applicant has been offered a tenancy and this has been accepted
- the applicant has requested to be removed from the list
- the applicant has died
- the applicant has not responded to the review process

11.0 MEASURING THE OUTCOMES OF THE POLICY

11.1 This policy will be subject to regular reviews by the Board. In order to do this effectively, Directors must be able to assess how well the ways in which the policy has been operated accords with the agreed objectives.

11.2 The agreed framework for reporting to the Board is:

- Quarterly reports on exceptions and allocations over the previous quarter
- An annual report

11.3 Summary information from these reports will be disseminated through our newsletters and annual report. It will also be used as part of the consultative process. Other interested parties can also receive this on request.

12.0 QUESTIONING AND/OR APPEALING DECISIONS

12.1 The Company is committed to providing a first class service to all of its tenants, applicants and potential applicants. The allocations process can,

however, be complex and, occasionally, there can be differences of opinion where an element of judgement is required.

- 12.2 Every applicant therefore has the right to appeal against any decision made with regard to his/her housing application. Appeals over the registration process and awarding of Priority Passes will be dealt with by East Lothian Housing Association. Appeals regarding allocation decisions should be directed to Homes for Life. The preferred way of doing this is for the applicant (or someone contacting us on his/her behalf) to raise the query informally with the member of staff concerned. For example, if an applicant feels that (s)he should have medical points but none have been awarded, the Housing Officer who processed the form should be contacted in the first instance.
- 12.3 If the query cannot be dealt with informally to the applicant's satisfaction, then contact should be made with the Customer Service Manager. The Company would prefer the contact to be in writing, but this is not a requirement and choosing not to do so will not in any way affect the outcome of the appeal. All decisions will be provided in writing (in the applicant's preferred format/language) with the reasons explained as clearly as possible. A copy of the Complaints Procedure will also be passed to the applicant at this point, if this has not been done earlier.
- 12.4 If the applicant remains dissatisfied, there is a right of appeal to the Board. This will be delegated to a Committee comprising three directors of the Board. The applicant has the right to be represented, but can choose not to. The decision of the Committee will be conveyed in writing.
- 12.5 If the applicant is still unhappy, there is a final recourse to the Scottish Public Services Ombudsman – please refer to the Company's Complaints Procedure.

13.0 CONFIDENTIALITY AND INFORMATION SHARING

- 13.1 Both Homes for Life Housing Partnership Ltd and East Lothian Housing Association are registered data controllers under the Data Protection Act 1998 and have undertaken to comply with the requirements of that, and associated Acts.
- 13.1 Information given by an applicant, or obtained from a third party in accordance with this policy will be held securely both by the Company and the Association and used solely for the purpose of operating the allocations system and for its regulatory reporting requirements.
- 13.2 Information will not be disclosed by the Company or the Association to a third party without the written consent of the applicant, unless it is required to do so by law, or its regulators.
- 13.4 The Company will only seek to obtain information from a third party under the conditions laid out in and in accordance with the declaration given on the applicant's form.

14.0 REVIEW

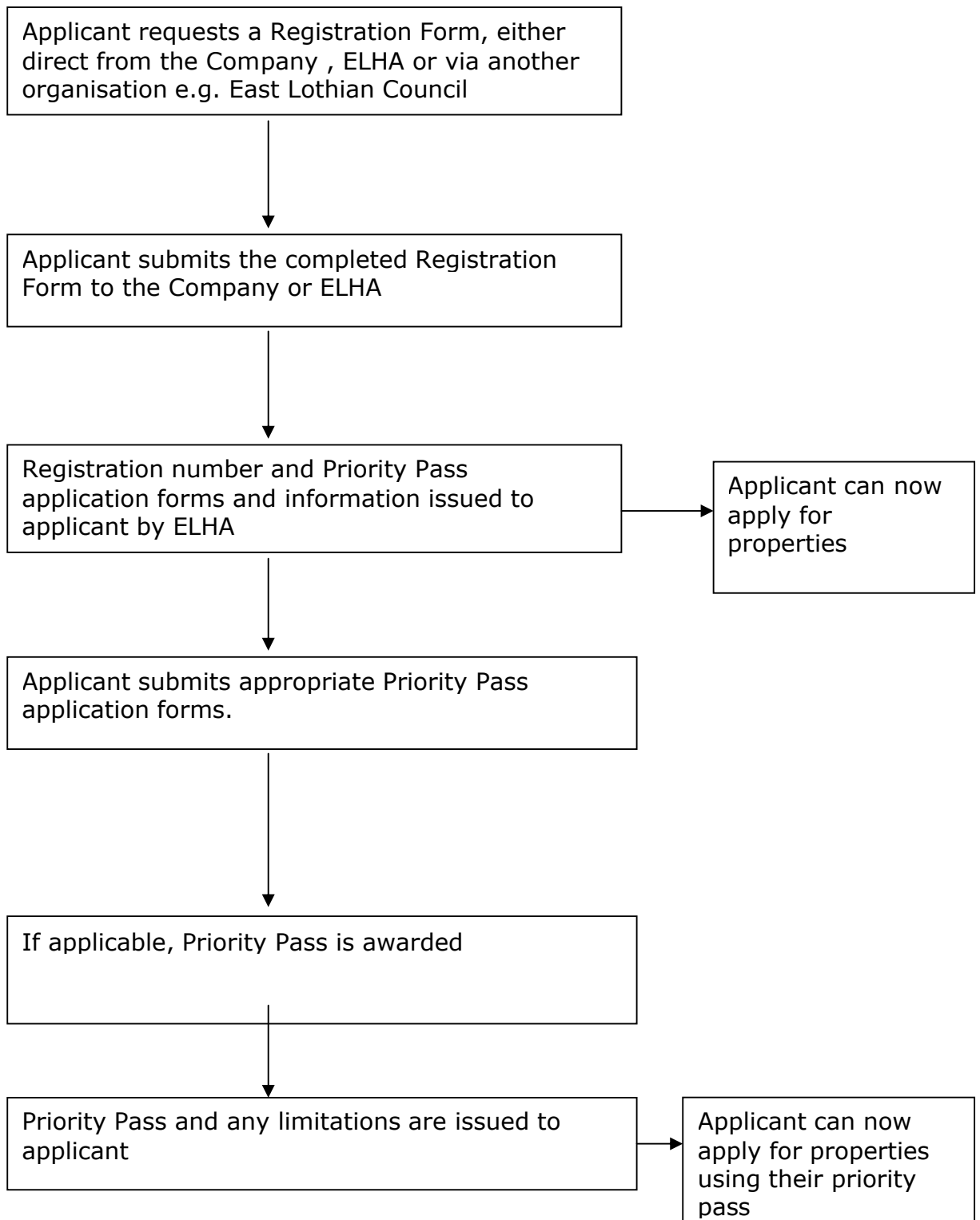
- 14.1 This policy will be reviewed not later than October 2009 and then every three years thereafter.

APPENDIX I

REGISTRATION PROCESS/ASSESSMENT OF APPLICATION

This stage of the process will be administered by East Lothian Housing Association on behalf of Homes for Life

1.0 OVERVIEW OF THE REGISTRATION PROCESS



1.1

- ◆ Applications will be acknowledged, placed on the housing register and issued with a registration number, along with information on applying for priority and details of how to apply for advertised properties.
- ◆ Applicants will be advised of their housing prospects and be offered advice concerning their housing options. Where appropriate, referrals to other sources of housing support and advice will be sought and made.
- ◆ In assessing applicants, the Company will only take into account need to live in a community where it contributes to housing need, and will disregard the applicant's income or/and existing home ownership.
- ◆ The Company reserves the right to check supporting documentation of relevant personal circumstances, e.g. proof of residence or evidence of harassment at anytime. The Company also reserves the right to make relevant enquires to confirm information given by the applicant in accordance with the declaration signed by the applicant.

1.2 The Company is committed to the promotion of communities, and individual's health and safety and to the protection of rights and freedom for tenants and applicants, as well as its own financial viability. Examples of this would be:

- ◆ Applicants who are unable to manage stairs will only be allocated ground floor accommodation.
- ◆ Requiring support packages to be in place for 16-18 year olds to enable them to maintain an independent tenancy.
- ◆ Allocating properties that have a Community Alarm system installed to elderly, frail or disabled applicants.

1.3 The Company will make it clear to applicants who own their own home that it is a legal requirement that they must occupy a tenancy as their only or principal home.

1.4 Applicants whose housing need will not emerge until a later date (e.g. where the applicant is in prison and release is not imminent), will be registered on the housing register but will be placed on hold until the applicant contacts to advise that they are in a position to accept a tenancy.

2.0 **Priority Passes**

2.1 All applicants will be encouraged to apply for priority to reflect their housing need (see Appendix 2). Applicants who have applied for priority will have an assessment of their needs carried out within 15 working days. There are three levels of Priority; Gold, Silver and Bronze. Depending on the applicants' circumstances, priority can be awarded from one or more of the Groups listed in Appendix 1. Priority will only be awarded once

from each applicable group and will be the highest pass attainable by the applicant in that group. Once the applicant has been assessed for all Groups applied for, their final priority will be determined as follows:

- ◆ Less than three bronze passes: Applicant will be awarded a Bronze Priority Pass.
- ◆ Three or more Bronze passes: Applicant will be awarded a Silver Priority Pass.
- ◆ Less than three Silver passes: Applicant will be awarded a Silver Priority Pass.
- ◆ Three or more Silver Passes: Applicant will be awarded a Gold Priority Pass.
- ◆ Gold Priority Pass is the highest attainable Pass.

2.2 Priority passes will be issued to applicants, by ELHA and will be valid for a period of 6 months for gold passes and a year for silver or bronze passes. If the pass is not used within this period of time and a suitable property has been advertised in an area where the pass is valid, then the pass will be revoked and will not be reissued for a period of 6 months for gold passes and 12 months for silver and bronze passes. If no suitable properties have been advertised or the applicant has applied for property and been unsuccessful, then the pass will automatically be awarded for a further period (either 6 months for gold or a year for silver and bronze). An applicant whose priority pass has been revoked will still be able to apply for properties as a registered applicant. They will be given the reason in writing why the Priority Pass has been withdrawn and given the opportunity to appeal.

A suitable property is defined as being of the size and type needed by the applicant to resolve their housing need and advertised in an area covered by their Priority Pass.

2.3 An applicant will have their Priority pass placed on hold for a period of 2 years where the Company considers that they have intentionally worsened their housing circumstances. The applicant will still be able to apply for properties but will have to reapply for a priority pass at the end of the on hold period. If the applicant disagrees with the Company's decision, they will have the right of appeal as outlined in section 12.2.

2.4 **Limiting Priority Passes**

2.4.1 **Areas**

Priority passes can be limited by the Company to a specific area, e.g. if the applicant has applied for priority due to their need to live in a specified area for employment reasons, to provide or receive support or to gain access to their children.

Applicants who have not received a priority pass due to their need to live in a specific area, can limit their priority pass to any areas that they wish. The advantage to an applicant of limiting their priority pass to the areas they wish to live in, is that they would not lose their pass if they did not apply for suitable property outside their desired areas.

Applicants who have had their pass limited to specific areas, either by the Company or through choice, can still apply for property in other areas, but their priority pass cannot be used.

2.4.2 Property Type

The Company can limit a priority pass to a particular type of property, e.g. for ground floor accommodation where a pass has been awarded for health related mobility problems, or to wheelchair accommodation where this is required by the applicant.

Applicants over 50 can limit their passes to amenity properties. Applicants over 60 can limit their passes to sheltered housing properties

2.4.3 Applicants can change the limits on their priority pass at any time, unless the limitations have been set by the Company. To change their limitations the applicant must inform the Company in writing. Limitations cannot be changed to give priority to an applicant for a currently advertised vacancy.

3.0 ON HOLD OR SUSPENDED APPLICATIONS

3.1 On all occasions when an application is placed on hold the Company will have full regard to the circumstances behind the held status. Applicants will be advised of the fact of their on hold status, the reasons for their application being placed on hold and will have recourse to the appeals procedure detailed in this policy. The Company will make concerted and positive efforts to assist applicants in having the on hold status removed. Applications may be placed on hold in the following circumstances:

- ◆ Rental, service charge or rechargeable repairs debts (see 3.2)
- ◆ Anti-social behaviour (see 3.3)
- ◆ Providing false information or omitting relevant information (see 3.5)
- ◆ Inability to maintain an independent tenancy (see 3.6)
- ◆ Aggressive or threatening behaviour (see 3.7)
- ◆ Registered sex offender (see 3.8)
- ◆ Where a transfer applicant must bring the condition of the property up to a satisfactory standard (where it relates to a breach of their tenancy agreement) (see Allocations Policy section 3)

- ◆ Where an asylum seeker has not been granted leave to remain in the UK

3.2 Where the applicant has current or previous rental or service charge debt amounting to more than one month's rent, or rechargeable repairs debt, an agreed arrangement must have been made and maintained, for a minimum of three months.

The Company will encourage the applicant to make an arrangement and if any arrangement has been maintained for a period greater than 3 months, will lift the on hold status. Debts older than 5 years, which have not previously been pursued, or where the debt was not the responsibility of the applicant as a tenant, will be disregarded.

3.3 Where there is clear evidence of anti-social behaviour relating to a current or previous tenancy, the Company reserves the right to place the application on hold. In all cases the Company will investigate fully and will offer the applicant access to the appeals procedure. If the Company is satisfied that an applicant's circumstances or conduct has significantly changed, the on hold status will be lifted.

In considering whether to place an application on hold for anti-social behaviour, the Company will take account of the nature of the behaviour (e.g. threats or harassment, fire raising, relevant criminal convictions) and:

- ◆ The nature, frequency and duration of the conduct.
- ◆ The extent to which the conduct was the responsibility of people other than the applicant.
- ◆ The effect the conduct had/is having on other people.
- ◆ Actions taken by the applicant to address the conduct.

3.4 Where information is knowingly or carelessly distorted or an applicant purposefully omits information which would have a bearing on their application, the application will be placed on hold for a period of 2 years. If the applicant disagrees with the Company's decision, they will have the right of appeal as outlined in **section 12.2 of the Allocation Policy**.

3.5 If an applicant appears unlikely to be able to maintain an independent tenancy without support, the on hold status will last only as long as it takes the Company to bring in a commitment of support from an appropriate agency. In cases where a high level of support is required, these applicants may be removed from the normal allocation process and considered for Supported Accommodation.

3.6 Where an applicant behaves in an aggressive or threatening manner towards a member of the Company's staff or Board, their application will be placed on hold for a period of 2 years. In all cases the Company will work with the applicant, by letter if necessary, towards a mutual

understanding of expected behaviour and attitude. If the applicant disagrees with the Company's decision, they will have the right of appeal as outlined in **section 12.2 Allocation Policy**.

- 3.7 Where an applicant is a registered sex offender, the Company will work closely with ELC's Social Work Department and, with the co-operation of that Department, will take heed of the offender's accommodation risk assessment when assessing the applicant's needs and choices. The application will be placed on hold only for as long as this assessment takes.
- 3.8 In any and all cases of applications being placed on hold, a robust review procedure will be followed to ensure that, where possible, positive action towards reinstatement is taken.

4 CANCELLATIONS

- 4.1 The Company will cancel applications only under the following circumstances.
- 4.2 Where an applicant has failed to respond to an application review request (issued once yearly if applicant has not applied for any advertised properties), to other communications from the Company or where the Company has information leading them to believe that the applicant has moved address. In all cases, no less than two attempts at gaining a response from the applicant will be made.

Applicants can be re-registered on request, taking into account any changes in their circumstances. Their date of registration will be the date they reapply, unless an appeal to have their registration backdated to their original date has been successful.

5 ALLOCATIONS

- 5.1 The Company will strive in its allocations to promote fair and equal treatment for the individual while paying heed to the needs of the communities it serves. Its allocations aim to:
- 5.2 Promote stable communities by maximising choice for the applicant and by having few penalties for refusal of an offer of property.
- 5.3 Integrate people with disabilities and with other care and support needs. The appearance of properties provided for special needs will be similar to the Company's general needs properties.

People who fall into this category will be offered a personal housing plan – a detailed discussion of their needs, choices and aspirations, and the Company will clearly identify, where possible, stock suitable for the applicant.

- 5.4 The Company will ensure that consideration is given to applicants who have gained employment in a particular area if this results in the applicant requiring to move to that area due to journey from current accommodation to work being longer than 1hour.
- 5.5 At the point of allocation, the applicant will be advised to consider:
- the ease of travelling to work
 - the facilities, amenities and essential services in that area
 - the nature of local public transport
 - the nature and extent of community groups and facilities.
- 5.6 While allocations will normally be made to the applicant who would normally qualify for the property, the Company reserves the right to vary this process after consideration of points 5.1 – 5.4 above. The Company also reserves the right not to allocate to the applicant who would normally have been successful if this would lead, for instance, to the applicant being granted a tenancy close to a previous partner, who is fleeing domestic violence, or a neighbour, whom the applicant has previously harassed or assaulted or been harassed or assaulted by.
- 5.7 Offers will be made to existing social housing tenants on condition that the existing tenancy will immediately be terminated.
- 5.6 The Company may take account of the age of applicants in
- ◆ The allocation of housing which has been designed or substantially adapted for occupation by people of a particular age group.
 - ◆ The allocation of appropriate housing to people who are or are to be in receipt of housing support services such as Supported Accommodation for young people.

6.0 ADVERTISING AND APPLYING FOR PROPERTY

- 6.1 Once the Company has been notified of a termination of tenancy a decision will be made whether the property is to be advertised through homehunt. Reasons for not advertising a property may include a property that is to be used for an internal transfer, a management transfer or a property to be used for Supported Accommodation
- 6.2 Homes for Life is committed to housing applicants with high levels of housing need. Due to the high level of homeless households in East Lothian 50% of vacancies will be advertised stating that only applicants with a gold priority pass (awarded to applicants designated priority homeless by East Lothian Council), should apply. If no priority homeless applicant applies who would make best use of the specified property, then East Lothian Council will nominate a priority homeless applicant direct to the Company, in accordance with the Nomination/Section 5 Protocol between East Lothian Council and Homes for Life Housing Partnership So that balanced, stable communities are created, gold priority passes awarded for homelessness can only be used to apply for the specified

vacancies. However priority homeless applicants can still apply for other properties but will not be able to use their priority pass.

6.3 Properties that are to be allocated under the normal allocation process, will be advertised weekly in the local newspaper, local housing offices, "homehunt" website, libraries, Citizen's Advice Bureaux, as well as the Company and Association's office.

All support providers will be sent a weekly copy of the available properties.

6.4 Registered applicants may apply for as many advertised properties as they wish at any one time. They will be able to note their interest by telephone, letter, "homehunt" website or in person in at either the Company or the ELHA's office.

6.5 When a registered applicant applies for multiple properties they will be asked to state their preference in order.

6.6 An applicant can apply in person at the Company and at the ELHA's office to be included on the register, register, and apply for a property on the same day.

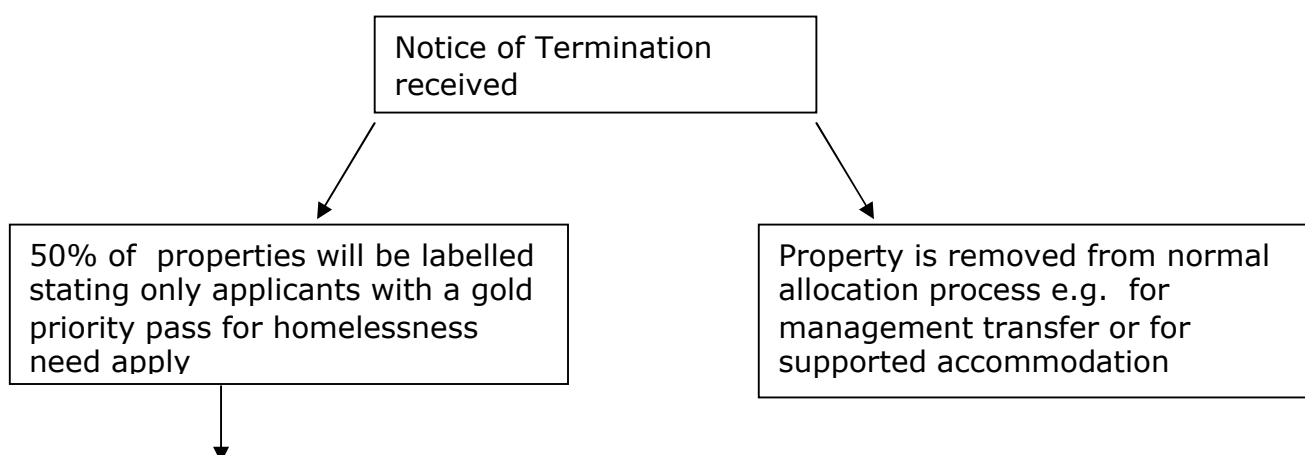
6.7 Priority passes cannot be applied for in respect of properties that are currently advertised, unless the pass is for homelessness. Limitations to passes will not be changed if this would increase the priority for a currently advertised property (see Section 2.4)

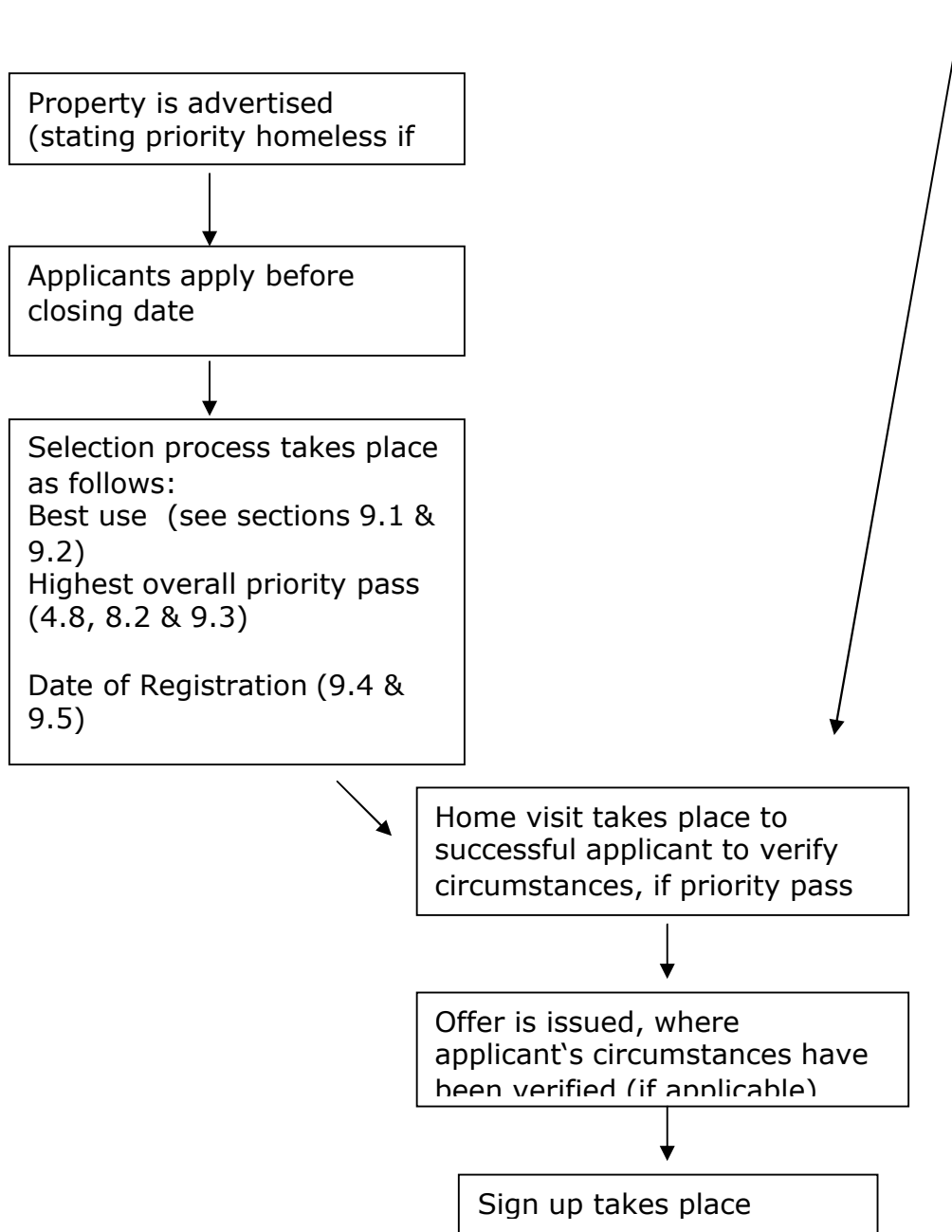
6.8 No applications will be accepted after the advertised closing date.

7 SELECTION PROCESS

7.1

OVERVIEW OF THE ALLOCATION PROCESS





7.2 The selection process will take place after the closing date for applications. The 'homehunt' computer software will print the list of applicants in descending order according to the selection criteria. This list will then be scrutinised by staff to check its accuracy. The Company reserves the right not to allocate to the otherwise successful applicant as outlined in Section 7.5. There are three sections to the selection process and applicants will be sorted according to the set criteria as follows:

7.3 House Size/Type

The type and nature of the property to be advertised will first be screened for best use and the advert will then display the characteristics preferred for best use of the property.

For example:

- ◆ An advert for sheltered accommodation will specify that only applicants over 60 need apply.
- ◆ An advert for an adapted property will specify that preference will be given to applicants whose medical needs mean that they require those adaptations.
- ◆ An advert for any more general properties will state the preferred number of occupants according to the size, type and location of the property.

The resulting applications will be screened to identify those who fit the best use criteria before looking at their priority status.

7.4 Properties will be assessed individually and the Company will determine the appropriate family size for each property. For example, if the property is within a block of flats or housing scheme, then the Company will take into consideration the mix of family sizes within the building or immediate area to maintain a balanced and sustainable community.

7.5 **Priority**

Where there is more than one applicant who would best suit the size of an advertised property, then, if the property has been advertised for priority homeless applicants, the allocation will be made to the applicant with the earliest gold priority pass award date.

If the property has not been designated for priority homeless applicants, then the allocation will be made to the applicant with the highest overall priority pass (excluding gold priority passes awarded for homelessness, which would be invalid in this case). (see section 2.0)

7.6 **Date of Registration**

The date of registration is considered where there is more than one applicant with equal priority or there are no priority applicants. These are considered in the following order:

- ◆ Two or more applicants with the same level of Priority Pass – allocation would be made to applicant with earliest date of registration.
- ◆ If no applicants with Priority Pass - allocation will be made to applicant with earliest date of registration.

7.7 The date of registration is the date we received the registration form. In the event that two or more applicants with equal priority applied on the same day, consideration will be given to the length of time that each has been in housing need.

8 OFFERS AND REFUSALS

- 8.1 Where possible the successful applicant will be contacted by telephone on the same day as the closing date for applications.
- 8.2 A conditional offer will be issued to the successful applicant. Where a priority pass has been used by the applicant the offer letter will arrange a home visit to confirm the applicants housing circumstances (except where excessive distance is involved). The applicant will be asked for their tenancy history and also to provide proof of residency at this point. The offer will be conditional upon housing circumstances being confirmed, proof of residency being validated and previous tenancy references received as appropriate. Successful applicants who have not used a priority pass will not normally be visited but will be given three working days from the date of the conditional offer to provide proof of residency and housing history or the offer will be withdrawn. The offer letter will give dates for the applicant to view the property and to sign their tenancy agreement.
- 8.3 The successful applicant will be given three working days from the date of the offer to confirm that they are available on the stated dates/times to view and sign up the property. If the applicant does not contact within three working days, and the applicant has not previously indicated that they would not be available e.g. on holiday or in hospital, then the offer will be withdrawn.
- 8.4 If the offer has been withdrawn or if the successful applicant has refused the offer, then the Company will contact the second qualifying applicant and pursue the process outlined above in 8.1-8.3
- 8.5 Where a successful applicant has used a Priority Pass awarded for homelessness and subsequently refuses an offer, then the Company will notify East Lothian Council's Homeless Section and the Priority Pass will be withdrawn.
- 8.6 With the exception of 8.5, if a Priority Pass has been used and the offer is subsequently declined, the Priority Pass will be withdrawn for a period of 6 months for Gold and 12 months for Silver and Bronze Passes. There is the right to appeal this decision. If a Priority Pass has not been used, there is no penalty for refusing an offer.

9 PUBLICISING RESULTS OF ALLOCATIONS

The results of the Company's allocations will be publicised quarterly in the Company's newsletter to tenants. They will also be displayed in the Company's office, local Council housing offices and libraries.

The Company will publish the following details:

- ◆ Address of the property
- ◆ Number of applicants applying for a specific property
- ◆ Whether or not the applicant fulfilled best use criteria
- ◆ Whether the applicant used a priority pass
- ◆ The Registration date of the successful applicant

APPENDIX 2

DEFINITION OF PRIORITY PASSES

1.0 Group 1: Homelessness/Harassment

1.1 Gold – Priority Homeless

Applicant has been assessed by East Lothian Council as being Homeless and in Priority Need. Applicants who are in the process of being assessed for homelessness by East Lothian Council will not receive a priority pass until the outcome of their homeless application has been confirmed by East Lothian Council.

1.2 Bronze – Non-Priority Homeless

Applicant has been assessed by East Lothian Council as being homeless or threatened with homelessness but has been found not to be in Priority Need. If intentionally homeless, no pass will be given or if already issued, will be withdrawn.

1.3 Silver – Harassment

Applicant has to leave current accommodation due to persistent harassment of any type.*

1.4 Bronze – Harassment

Applicant is suffering from intermittent harassment of any type but does not have to leave their home.*

2.0 Group 2: Need to be in a Community

2.1 Bronze - Employment

Applicant needs to move to take up employment or to sustain employment where current accommodation is more than 1hour travel from place of work (Priority is only given to the main earner)*

2.2 Bronze – Nearer Amenities/Services

Applicant needs to move nearer to amenities such as shops and services, which are not readily accessible.

2.3 Bronze – Access to Children

Applicant needs to move because access to their children is currently very difficult or impossible for practical reasons.*

2.4 Bronze – To provide or Receive Support

Applicant needs to move to offer care or support to someone who resides in East Lothian or the applicant needs to move to receive care or support from someone who resides in East Lothian. Limitations of the pass will apply (see 4.9.1)*

3.0 Group 3: Overcrowding/Underoccupation

3.1 Bronze - Underoccupation

Applicant is the tenant of a Local Authority, Registered Social Landlord or Co-operative, wishing to move to a smaller property and currently has two or more unoccupied bedrooms.

3.2 Silver – Significant Overcrowding

Where two or more extra bed-spaces are required by applicant and family this will be regarded as significant overcrowding.

Overcrowding within host family will be disregarded.

3.3 Bronze – Minor Overcrowding

Where one extra bed-space is required by applicant and family this will be regarded as minor overcrowding.

Overcrowding within host family will be disregarded.

See Appendix 3 for definition of occupancy levels

4.0 Group 4: Unsuitable Housing

4.1 Bronze – Lacking Amenities

Where the applicant is lacking one or more of the following basic amenities:

no hot water supply

no central heating

no kitchen area

4.2 Silver – Defects

Where the applicants current accommodation has severe disrepair or defects which substantially affect the habitation of the property.

e.g. severe dampness, rainwater penetration or structural defects. **

Where the applicant is lacking one or more of the following basic amenities:

No flushing toilet

No mains water supply

No fixed bath or shower

5.0 Group 5: Medical

5.1 Gold – Medical

The applicant (or household member) has a **severe** medical condition which is **made worse** by current accommodation and would be **markedly improved** by rehousing or where rehousing is essential to allow discharge from hospital or to prevent admission to nursing or residential home, and it is not practical to adapt the applicant's home to meet their needs.***

5.2 Silver – Medical

The applicant (or household member) has a medical condition which would be **markedly improved** by rehousing, or where rehousing would substantially reduce the risk of physical injury. Also, where the applicant's present home makes essential activities of daily living difficult, and it is not practical to adapt their home to meet their needs. ***

* Supporting documentation may be required

** We may contact the landlord or carryout a house inspection.

*** Verification from a health professional will be required.

APPENDIX 3

OCCUPANCY LEVELS

The following guidelines are used both in determining the level of overcrowding and the occupancy requirements of the applicant.

Household Composition

Requirements

Single Person

one bedroom

Couple

one or two bedrooms (applicants elect)

Couple with one child or
single parent with one child

two bedrooms

*Couple or single parent 2 children

two or three bedrooms
(dependant upon age of children)

Couple or single parent with 3
or more children

three, four or five bedrooms
(dependant upon age of children)

Single/couple or family where
a residential carer is required for
over 2 nights per week

one extra bedroom

Single/couple or family who have
access to non resident children of not
less than two nights per week or eight
weeks per year (proof of access will be
required)

one extra bedroom

The following points will be taken into account in determining occupancy requirements

*Two children, one of whom is over eight years of age and of the opposite sex are assumed to require separate bedrooms

*Children of the same gender are assumed to be able to share the same bedroom up to the age of 15.

*A living room should not have to be used as a bedroom.

*In certain cases, an adult/child's medical condition will mean that there is a requirement for sole use of a bedroom. (documentary evidence will be required)

*No more than two people should share a bedroom

*A boxroom or a room without natural light is not counted as a bedroom

* If a bedroom cannot accommodate two beds and is being used by two people.