

## **1.0 INTRODUCTION**

- 1.1 Scottish Borders Housing Association (SBHA) is a Registered Social Landlord with the primary aim of providing social rented housing for those in the greatest housing need throughout Scottish Borders (excluding Berwickshire).
- 1.2 The Allocations Policy describes how Scottish Borders Housing Association will manage applications for social housing and how they will allocate social rented properties. SBHA has a separate Lettings Policy for Mid-Market Rent properties.
- 1.3 The Policy applies to all housing applicants seeking housing with SBHA and takes account of local pressures for housing in the Scottish Borders.
- 1.4 The Policy should be read in conjunction with SBHA's Equality and Diversity Policy and the Scottish Borders Unified Domestic Abuse Policy.

## **2.0 POLICY PRINCIPLES AND OBJECTIVES**

- 2.1 The Policy operates within the following principles:
  - provide everyone with fair and open access to our housing list
  - avoid discrimination on any grounds in the way we allocate our properties
  - give reasonable preference to those in housing need
  - make the best possible use of the housing stock we have available
  - offer as much choice as we can to everyone who applies for housing
  - always strive to help create and support sustainable communities
- 2.2 In addressing these aims, SBHA will be responsive to the diverse needs of its communities and aims to ensure that its housing is accessible to existing residents and to people wishing to move or return to the area.
- 2.3 Within these broad principles, the Policy is designed to meet a number of objectives:
  - To meet all SBHA's legal obligations and provide access to its housing list and houses in a way that is clear and fair to all
  - To ensure that a balance of applicants from a range of housing circumstances are given the opportunity to be housed
  - To support Scottish Borders Council in meeting the needs of people who are homeless and other vulnerable people
  - To work closely with other partner agencies to ensure that the allocation of SBHA properties contribute to achieving wider aims for communities throughout the Scottish Borders
  - To provide a source of housing to other organisations assisting those in housing need who have additional support needs
  - To maximise opportunities for applicants to make informed choices by providing good quality information on housing options available within the Scottish Borders
  - To ensure that successful applicants are offered housing suitable for their needs
  - To maintain our housing lists and allocate properties as efficiently as possible

### 3.0 LEGISLATION AND BEST PRACTICE

3.1 SBHA will assess housing applications and let houses in line with all applicable legal and regulatory requirements and strives to ensure that performance standards issued by the Scottish Housing Regulator are met.

3.2 The Policy complies with current housing legislation including:

- Sections 19 and 20 of the Housing (Scotland Act) 1987, as amended by Sections 9 and 10 of the Housing (Scotland) Act 2001. <https://www.gov.scot/policies/social-housing/>
- The Housing (Scotland) Act 2014 and the Statutory Guidance supporting the 2014 Act <https://www.gov.scot/publications/social-housing-allocations-scotland-practice-guide/>
- The Homelessness etc. (Scotland) Act 2003 and Code of Guidance on Homelessness 2005 and the Management of Offenders (Scotland) Act 2005. <https://beta.gov.scot/publications/code-guidance-homelessness/>
- Complies with the Data Protection Act and General Data Protection Regulations 2018, equalities legislation including Section 106 of the Housing (Scotland) Act 2001, the Equality Act 2010, and the Human Rights Act 1998.

3.3 The Policy seeks to achieve the following regulatory requirement contained in the Scottish Social Housing Charter:

<b>Charter Outcome</b>	
<b>1: Equalities</b>	<p><i>“Social landlords perform all aspects of their housing services so that:</i></p> <p><i>They support the right to adequate housing; and</i></p> <p><i>Every Tenant and other customer have their individual needs recognised, are treated fairly and with respect, and receive fair access to housing and housing services.”</i></p>
<b>7/8/9: Housing Options</b>	<p><i>“Social landlords work together to ensure that:</i></p> <p><i>People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them; and</i></p> <p><i>Tenants and people on housing lists can review housing options.</i></p> <p><i>Social landlords have a role to prevent homelessness and should ensure that:</i></p> <p><i>People at risk of losing their homes get advice and information on preventing homelessness.”</i></p>
<b>10: Access to Social Housing</b>	<p><i>“Social landlords ensure that:</i></p> <p><i>People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.”</i></p>
<b>13: Value for money</b>	<p><i>“Social landlords manage all aspects of their businesses so that:</i></p> <p><i>Tenants, owners, and other customers receive services that provide continually improving value for the rent and other charges they pay”.</i></p>

## 4.0 ACCESS AND ELIGIBILITY

4.1 SBHA welcomes anyone aged 16 and over from the UK to register for housing. UK legislation sets out eligibility for persons from out with the UK and depends on various factors such as:

- Nationality (including that of family members)
- Economic activity of the applicant and that of their family members
- Immigration status and rules around asylum and immigration
- Entitlement to public funds

4.2 Any request to register from persons out with the UK will be assessed in accordance with current legislation and guidance. The right to be admitted to SBHA's housing register differs from the right to be allocated a property.

## 4.0 ADVICE AND SUPPORT FOR APPLICANTS

4.1 SBHA will provide information on how to apply and bid for properties on request and on SBHA's website ([www.sbha.org.uk](http://www.sbha.org.uk)).

4.2 SBHA will offer applicants who are homeless or threatened with homelessness a Housing Options Interview, where they have not yet been assessed by Scottish Borders Council. Help and support with completing application forms and logging bids is available for all applicants on request.

## 5.0 APPLYING FOR A HOME

5.1 There are several ways for people to access housing with SBHA:

**Direct application:** Most applicants will apply directly and will be included on our SBHA's housing list. Anyone over the age of 16 can choose to apply in this way. All applicants who wish to apply for housing can request a Housing Options Interview to provide advice and guidance on applying for suitable housing.

**Transfer Applicants:** Tenants who have a tenancy with SBHA for more than a year can apply for rehousing with SBHA. Earlier Transfers may considered for Tenants in situations where there is marital breakdown, domestic abuse, or severe deterioration of health.

**Owner occupiers:** Owner occupiers may apply for housing with SBHA and will be treated the same as any other applicant. On being offered a property from SBHA, owner occupiers will be advised of their legal requirement that they must occupy the property as their only or principal home.

**Section 5 Referrals:** SBHA receive referrals from Scottish Borders Council under Section 5 of the Homelessness etc. (Scotland) Act 2003, for people who have been assessed as statutorily homeless. SBHA will process referrals in line with our statutory obligations and agreed protocols with Scottish Borders Council.

## 6.0 PROTOCOL ARRANGEMENTS

6.1 In order to address local issues and housing need, SBHA is committed to working in partnership with other agencies and has set up protocols for formal working arrangements with partners to ensure applicants with particular needs or vulnerabilities have their needs assessed and addressed.

6.2 The focus of these protocols is future planning and the prevention of housing crisis. These include re-housing for homeless households, care leavers, registered sex offenders, hospital discharge and victims of domestic abuse.

## 7.0 ASSESSING PRIORITY FOR REHOUSING

7.1 When SBHA receives a completed application form, it will assess the application and points will be awarded based on the applicant's current circumstances, with the maximum of 150 points awarded, as the table shows below, to priority groups and for multiple needs.

SBHA will also assess:

- The size of house an applicant and their household needs
- Whether the applicant or any member of their household has any particular needs for a specific house type such as wheelchair accessible, level access or adapted housing
- Any identified need for a particular provision of housing such as amenity or supported accommodation

7.2 *Table 1* below shows a summary of the points categories and the number of points which are awarded in each category.

Category	Points Awarded
Section 5 referral	150
Duty to co-operate	150
Wheelchair adapted property required	150
Care leaver	150
Armed forces veteran and families	150
Experiencing domestic abuse	150
Homelessness prevention / Threat of homelessness	60
Overcrowding	30 points for each bedroom over-occupied to the maximum of 90 points
Under occupation for applicants living in a Registered Social Landlord property.	30 points for each bedroom given up to the maximum of 90 points
Property Condition	30
Social, community, or family support (including key workers)	30
Health	A – 40 points B – 30 points C – 20 points

7.3 **Section 5 Referrals:** SBHA will assist Scottish Borders Council to meet its statutory obligations under the Homelessness, etc., (Scotland) Act 2003 in respect of homelessness, by providing Scottish Borders Council with properties for use as interim temporary accommodation where reasonably possible. To support a Housing First approach and Rapid Rehousing for homeless households in the Scottish Borders under these protocols, direct allocations will be made to Section 5 Homeless Referral applicants.

7.4 **Duty to co-operate:** Similar priority will also be afforded to applicants where there is a Duty to Co-operate (the Management of Offenders (Scotland) Act 2005).

Where an applicant has declared on their application form that they are required to register under the Sexual Offences Act 2003, any offer of an SBHA property will require risk assessment which take account of any victim prior to an allocation. A joint protocol will be agreed with Scottish Borders Council's Criminal Justice Team and Registered Social Landlord's operating within the Scottish Borders, in relation to the allocation of properties to Sex Offenders.

SBHA has a duty to co-operate in accordance with the National Accommodation Strategy for Housing Sex Offenders (NASSO) and will work jointly with Scottish Borders Council, Criminal Justice, and Police Scotland in terms of community safety to ensure that sex offenders are housed appropriately.

7.5 **Wheelchair adapted property required:** SBHA owns some properties which are specially adapted for people who use wheelchairs. Priority will be given to applicants who can demonstrate the need for such accommodation.

7.6 **Care leavers:** SBHA has protocol arrangements in place to support the sustainable rehousing of care leavers in the Scottish Borders. Care leavers referred by Scottish Borders Council to SBHA will be awarded maximum priority of 150 points.

7.7 **Armed forces veterans and families:** Applicants serving in the Armed Forces can apply one year before their date of discharge and one year after.

150 points will be awarded to applicants serving in the Armed Forces who:

- Are currently serving with one of the recognised Ministry of Defence Armed Forces, with less than one full year to discharge
- Have been discharged from the Armed Forces within the last year of applying for housing
- Have completed at least a 3-year fixed term contract or one full tour of duty

150 points will also be awarded to the surviving spouse/partner, or a non-dependent child aged 16 or older of a deceased Armed Forces personnel, who served in the armed forces within the past 12 months.

7.8 **Domestic abuse:** Priority points will be awarded to an applicant who is experiencing domestic abuse. This approach aligns to the Scottish Borders Unified Domestic Abuse Policy.

7.9 **Homelessness prevention/Threat of homelessness:** Points will be awarded to applicants who are threatened with homelessness and are at risk of losing their home through no fault of their own. Such as, applicants living in "tied" accommodation, who have been asked to leave because of retirement or applicants living in private rented accommodation who have been served notice as their landlord wishes to sell the property.

Priority will also be awarded to applicants who have been assessed by Scottish Borders Council as in significant housing need and at risk of becoming homeless if suitable housing is not secured and applicants living in accommodation which they must leave due to relationship breakdown.

7.10 **Overcrowding:** Overcrowding points apply when there are insufficient bedrooms in an applicant's existing property, and they need to move to a larger property that is suitable for their needs. Applicants who are overcrowding their current homes will be awarded points for each bedroom lacking at their present address. All children and unborn children will count as 1 person.

Same sex children up to the age of 16 can share a bedroom. When a child reaches the age of 10 years, they will not be expected to share a bedroom with a child of a different sex in their new tenancy.

Children who reside with their parents for 3 or more nights per week will be classed as permanent members of the household. Written confirmation of access arrangements will be required.

Due to the lack of larger sized family accommodation to rent in social housing in the Scottish Borders applicants with large families who normally permanently reside together and who need a 4 bedroom or more property will be considered for accommodation where the move would reduce current overcrowding and occupancy of the new accommodation would not contravene the room and space standards as defined in the legal definition of overcrowding contained within Part VIII of the Housing (Scotland) Act 1987.

- 7.11 **Under occupation of current home:** Under occupation points are awarded when an applicant lives in a Registered Social Landlord property which is too large for ~~his or her~~ their household. SBHA will award points for under-occupation for each additional bedroom their household is assessed as not requiring and is giving up.

Where an SBHA Tenant has more than two extra bedrooms for their household needs, SBHA will consider them for a property with one bedroom additional to their household needs.

- 7.12 **Property condition:** Priority will also be awarded where Scottish Borders Council's Environmental Health department has assessed that an applicant is living in unsatisfactory housing conditions, or the property is in severe disrepair and has been assessed to be below the 'Tolerable Standard' in accordance with current legislation.

- 7.13 **Social, community or family support:** Social points are awarded where an applicant has a particular need to move to an area for specific reasons, including to provide or receive care and/or support or to access employment (including key workers) or education.

- 7.14 **Health reasons:** An applicant seeking rehousing on health grounds should complete a Health Assessment form which is available on request or by downloading from SBHA's website at [www.sbha.org.uk](http://www.sbha.org.uk) or [www.sbhahomechoice.org.uk](http://www.sbhahomechoice.org.uk). Any household member may complete a Health Assessment form. Points are awarded based on the household member who is assessed as having the higher grade.

As part of the health assessment, SBHA may visit an applicant at home or seek additional or supporting information from other professionals such as Occupational Therapists, GP's, etc.

Priority is awarded as follows:

- **Grade A** (40 points) - Where an applicant has a health problem and is unable to return to their home, or unable to continue living in their own home because they would not be able to gain access to essential facilities unaided and/or they are at significant risk of doing so, or due to significant and enduring mental illness they are unable to return or continue to live in their current home and/or environment, and it is not practical to adapt their home to meet their needs.
- **Grade B** (30 points) - Where an applicant has a health problem and is living at home and they are unable to gain access to essential facilities unaided, and/or they would be housebound because they could not get out of their home unaided, or their mental illness severely restricts their ability to continue to live

in their current home and/or environment and it is not practical to adapt their home to meet their needs.

- **Grade C (20 points)** - Where an applicant has a health problem and is living at home and becoming less able to access essential facilities unaided, and/or they are becoming less able to get out of their home unaided, or they are becoming less able to cope in their current home and/or environment due to their mental illness, and it is not practical to adapt their home to meet their needs.

Priority will be awarded for accommodation that suits an applicant's needs. For example, if an applicant is unable to manage stairs, priority will be awarded only for ground floor or level access accommodation, or if an applicant's needs to move to live near a carer, priority will be awarded for properties close to their carer.

Where an applicant is currently in hospital and because of their medical condition, they are unable to return to their own home, a joint protocol will be agreed with Scottish Borders Council Social Work and NHS Borders to ensure that applicants who are awaiting hospital discharge are housed appropriately.

Where an applicant has applied to more than one participating Registered Social Landlord, the final grade and recommendation will be shared between the participating landlords.

## **8.0 BIDDING FOR HOUSING**

- 8.1 All SBHA's empty homes will be advertised weekly unless there is a management reason for not doing so, the property has been let directly through Protocol arrangements or properties are in an area where SBHA has removed choice-based lettings as part of a local lettings' initiative.
- 8.2 Registered applicants can bid for up to 5 properties per week, which meet their housing needs. Bids must be submitted online or via the automated telephone line.

## **9.0 ALLOCATION AND BEST USE OF PROPERTIES**

- 9.1 After the closing date, bids will be assessed, and the property offered to the applicant with the highest level of points who demonstrates best use of the property.
- 9.2 In the event of two or more applicants who have bid having the same number of points, consideration will firstly be given to the applicant who makes best use of the property, and then the applicant with the earliest date of registration.
- 9.3 Applicants being considered for a property will be contacted by 5pm on the closing date. If the applicant does not respond to contact by 10am on the following day, then this will be classed as a refusal.

## **10.0 ADAPTED PROPERTIES**

- 10.1 A property that is fully or substantially adapted for a disabled person will be offered to the applicant requiring all or most of the facilities, or where the property is particularly suited to the applicant's needs with minor adaptations.

## **11.0 AMENITY HOUSING**

- 11.1 Properties that have been designated as Amenity Housing will only be allocated where the applicant or, in the case of a joint application, one of the applicants is over the age of 50 years old or where there is a housing need for an amenity property.

## 12.0 MANAGEMENT TRANSFER APPLICATIONS

12.1 Management Transfer applications can be made by SBHA's Neighbourhood Housing Officer on behalf of their Tenant and will be considered by SBHA's Director of Customer Services. Under exceptional circumstances, a Management Transfer may be made where there is:

- Threat of physical violence to the applicant or a member of the household
- Racial or other physical or mental or emotional harassment of the applicant or a member of the household
- There is a serious medical need impacting on the tenants or a member of their household which would be resolved by a move to more suitable accommodation

## 13.0 SENSITIVE LETS

13.1 Where a property becomes available for reletting and there have been issues with antisocial behaviour, which have impacted on surrounding residents, SBHA will consider letting the property sensitively to ensure the sustainability of tenancies.

## 14.0 MUTUAL EXCHANGES

14.1 SBHA Tenants can request a mutual exchange with Tenants of other Registered Social Landlords as per SBHA's Mutual Exchange Policy. SBHA promote Homeswapper ([www.homeswapper.co.uk](http://www.homeswapper.co.uk)), a national mutual exchange scheme which allows Tenants to advertise their exchange online at no cost and identify potential exchange opportunities.

## 15.0 LOCAL LETTING INITIATIVES

15.1 SBHA may from time to time consider the use of Local Lettings Initiatives for specific areas. A Local Lettings Initiative may have the effect of introducing additional criteria, such as allocation quotas for different needs groups in the allocations process. Where a Local Lettings Initiative is agreed for a specific area, SBHA will ensure that applicants are advised of the Initiative, and it will be agreed for a specified period and will be reviewed annually by SBHA's Board of Management.

## 16.0 SUSPENDED HOUSING APPLICATIONS

16.1 There are some circumstances where SBHA may suspend an application from being considered for housing. Applicants who are suspended will still be registered on the housing list but will be unable to bid for advertised properties.

16.2 SBHA will inform applicants in writing if their application has been suspended. SBHA will provide reasons for the suspension, the timescale and/or any action applicants need to take to end the suspension. Applicants will also receive details of how to appeal against the decision.

16.3 **Tenancy related debt:** If an applicant or member of their proposed household has outstanding rent arrears or other tenancy related debt such as recharges from a former or current tenancy, SBHA will suspend the applicant from applying for properties until the debt has reduced to a balance of less than one twelfth of the annual rent, or the applicant or member of their proposed household has kept to an agreed payment arrangement with the landlord for a period of no less than 3 months.

16.4 **Antisocial behaviour:** If an applicant or a proposed member of their household has acted in an antisocial manner or pursued a course of conduct which is amounting to harassment of another person, SBHA will suspend the applicant from applying for properties for 6 -12 months and depending on the seriousness of the antisocial

behaviour. SBHA will assess what steps the applicant has taken to remedy this behaviour before removing the suspension.

- 16.5 **Previous convictions:** SBHA may suspend an applicant from applying for properties for 6 - 12 months if the applicant or someone the applicant has lived with or is coming to live with them, has been convicted of certain offences, associated with a residential property or the surrounding area.
- 16.6 **Abandoning or neglecting a property:** SBHA may suspend an applicant from applying for properties for 3-6 months if an applicant or joint applicant has abandoned a previous tenancy and has had a tenancy repossessed by a social landlord because they abandoned the property or; an applicant was a tenant or a joint tenant of a property for which a court has ordered recovery of possession on the ground of deterioration of the property due to neglect.
- 16.7 **Refusal of offers:** If an applicant rejects 2 offers of suitable accommodation their application will be suspended for a period of 6 months.
- 16.8 **Fraudulent or false information:** Where SBHA can demonstrate that an applicant has deliberately sought to distort or omit information to gain advantage over other applicants, their application will be suspended for a period of 3 months and any priority previously awarded because of the omitted, false, or misleading information provided will be removed.
- 16.9 **Violent or aggressive behaviour:** Applications may be suspended for a period of 6 – 12 months and will only be lifted based on clear evidence which demonstrates a change in behaviour where an applicant, or a member of their household displays violent or aggressive behaviour towards SBHA Team members or an SBHA contractor and the seriousness of that behaviour could lead to the person being charged by the Police Scotland.

## 17.0 CANCELLED APPLICATIONS

17.1 Housing applications will be cancelled in the following circumstances:

- Where the applicant requests a cancellation of their application
- The death of an applicant
- The applicant repeatedly fails to respond to a review of the housing waiting list or to other correspondence.

## 18.0 ANNUAL REVIEW

- 18.1 SBHA will review all housing applications every year by contacting the applicants to make sure that the information held remains up to date. If an applicant does not respond to this contact, SBHA will make contact a second time and if no response is received on this occasion, SBHA will write to the applicant to tell them that their application will be removed from the housing list.
- 18.2 In addition to these reviews, an applicant must let SBHA know of any changes in their household's circumstances as they occur as these could affect the applicant's priority for housing.
- 18.3 Where an applicant has moved from their original application address, they will be required to complete and submit a new application to SBHA.

## **19.0 APPEALS**

- 19.1 All applicants have the right to appeal any decisions made in connection with their application. A senior SBHA Team member not involved in the making of the original decision will consider any appeals.
- 19.2 If the applicant remains dissatisfied then they should refer to SBHA's Complaints Handling Policy.

## **20.0 MONITORING, PERFORMANCE MEASUREMENT AND REPORTING**

- 20.1 SBHA will ensure performance management and reporting systems show how well it is achieving the outcomes set out in the Scottish Social Housing Charter (as detailed at 3.3).
- 20.2 Performance under the Policy will be monitored against the following key performance indicators:
- Percentage of Section 5 homeless referrals and other referrals from homeless households made by the Local Authority that:
    - a) result in an offer
    - b) % of applicants offered that result in a let
  - Percentage of offers of a tenancy refused
  - Number and breakdown of lets made
  - Number of mutual exchanges
  - Percentage of tenancies sustained for more than a year
- 20.3 SBHA's Head of Support Services is responsible for ensuring the effective operational delivery of the Policy and reporting to SBHA's Customer Board on key performance indicators on a quarterly basis. SBHA's Director of Customer Services is responsible for seeking and providing assurance on compliance with the Policy.
- 20.4 SBHA will conduct regular surveys of applicants to assess how they find the process of applying and bidding for properties.
- 20.5 SBHA will continually monitor the level of applications, bids, and offers of housing and ensure ongoing liaison with statutory and voluntary agencies to continue to improve and ensure that help and support given to vulnerable applicants.

## **21.0 POLICY REVIEW**

- 21.1 SBHA's Director of Customer Services is responsible for ensuring the Policy is reviewed every 3 years or earlier if required by changes in legislation or best practice.
- 21.2 Any necessary amendments will be made following consultation with Tenants, applicants, and partnership agencies.