



BELLSMYRE

housing association

Bellsmyre Housing Association Allocations Policy

“Homes and Services that make Life Better”

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HAPPY TO TRANSLATE

Allocations Policy

Contents

Section No	Contents	Page
1	Policy Statement	4
2	Our Aims, Objectives and Principles	4
3	Policy Review	5
4	Principal Legislation	5
5	The Scottish Social Housing Charter	6
6	Equality and Diversity	6
7	Applying for a House	7
7.1	Who can apply for a house	7
7.2	Homelessness, Roofless, Need for Emergency Accommodation	7
8	Your Application	7
8.1	Applicants responsibilities	7
8.2	Completing an application form	7
8.3	Proving your Identity	8
8.4	Assessing your application	8
8.5	Making enquiries and seeking references	9
8.6	Home visits	9
9	Key Access Routes into Bellsmyre Housing: Housing Options	10
9.1	Allocation Quotas	10
9.2	Homelessness Referral from Council (Section 5)	10
9.3	General Housing List	10
9.4	Internal Transfer List (Bellsmyre tenants)	10
9.5	Nominations from West Dunbartonshire Council	10
9.6	Management Transfer	10
9.7	Referral from Another Agency	11
9.8	Mutual Exchange	11
9.9	Exceptional Circumstances	11
9.10	Succession	12

9.11	Assignment	12
9.12	Lodging	12
9.13	Subletting	12
9.14	Tenancy Sustainment and Support Needs	12
9.15	Temporary Lets to Homeowners	13
10	Housing List: Reviewing, Removal, Deferrals and Suspensions	14
10.1	Annual Review of Application	14
10.2	Removal of Applications	14
10.3	Deferred Applications	14
10.4	Suspending Applications	14
11	Use of Housing Stock	16
11.1	Amenity, Adapted and Accessible Housing	16
12	Data Protection	17
13	Applications from Committee Members, Staff Members or their Close Relatives	17
14	Size of Accommodation to be Offered	18
15	Offering You a Home	19
16	Accepting Our Offer of Housing	20
17	Tenancies: Scottish Secure Tenancy (SST), Short SST, Joint Tenancies, Houses in Multiple Occupancy (HMO)	20
18	Assessment of Housing Need	21
18.1	Information Regarding Medical Assessments	21
18.2	Information Regarding Relationship Breakdown	22
18.3	The Housing Points Table	22
19	Discretion – Exceptional Circumstances	25
20	Bypassing applications and Sensitive Lettings – Exceptional Circumstances	25
20.1	Bypassing Applicants	25
20.2	Sensitive Letting Arrangements	26
21	Local Lettings Initiatives, Demolition, Refurbishment and Decanting Requirements	26
21.1	Local Lettings Initiatives	26
21.2	Demolition, Refurbishment and Decanting Requirements	26

22	Caledonia Housing Association Homes	27
23	Audits and The Scottish Housing Regulator	27
24	Appeals and Complaints	28
24.1	Appeals Process	28
24.2	Complaints Process	28
Appendix1	Succession and Assignment Policy	30
Appendix2	Sub-letting Policy	33

Allocations Policy

Introduction

1. Policy Statement

This Allocations Policy outlines Bellsmyre Housing Association's commitment to an open and accountable allocations process which complies with the law and reflects regulatory and best practice requirements. It underlines our commitment to working with the local authority and other partners to help prevent and alleviate homelessness. The Policy supports Bellsmyre's commitment to allocating our homes in a fair and consistent way, so that available homes are let to those in the greatest need for housing.

In accordance with the provisions of the Housing (Scotland) Act 2014 Bellsmyre Housing Association will give reasonable preference when letting our homes to applicants who experience the following circumstances:

- Homeless persons and persons threatened with homelessness and who have unmet housing needs, including those at risk of harassment and abuse;
- Persons who are living in unsatisfactory housing conditions and who have unmet housing needs;
- Social housing tenants who are under occupying their home.

2. Our Aim, Objectives and Principles

2.1 Our Aim

The Association operates in the Bellsmyre area of West Dunbartonshire. We aim to provide good quality rented accommodation to those in housing need. This is subject to the number, type and size of houses the Association has available for let at any given time.

This policy has been developed to enable the Association to meet as far as possible the unmet housing needs of individuals and families who wish to reside in the Bellsmyre Housing Association area of operation, but who are, for economic, social or physical reasons least able to access other housing tenures.

2.2 Our Objectives

We will meet our aim by:

- Responding appropriately to requests for re-housing and making the best use of our available housing stock;
- Giving the right priority to people who are in most need of housing which includes specific groups identified in legislation to whom we must give 'reasonable preference', namely:
 - People who are homeless or threatened with homelessness (including those at risk of harassment and abuse)
 - People who are living in unsatisfactory housing conditions with unmet housing needs
 - Social housing tenants who are under occupying their home

(Persons have *unmet housing needs* where the social landlord considers the persons have housing needs which are not capable of being met by other available housing options.)

- Preventing and responding to homelessness or threat of homelessness by providing appropriate advice and assistance where we can or allocate suitable housing when available and in line with the provisions of this policy;
- Providing a housing options discussion as required to help address the person's needs, encouraging them to make informed and realistic decisions on their available options;
- Making best use of our housing that becomes available for rent;
- Working to create communities where people want to live.

2.3 Our Principles

We will:

- Apply our policy fairly and consistently to ensure every applicant has equal opportunities of access to our available properties
- Respect diversity and promote equality in everything we do. No one will be treated unfairly because of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability or mental health
- Allocate properties on the basis of addressing unmet housing needs and apply reasonable preference to applicants experiencing homelessness or the threat of homelessness, unsatisfactory housing conditions and tenants who are under-occupying social rented housing
- Comply with the law and take account of current guidance relating to housing allocations
- Be clear about our processes and procedures
- Be open and honest with you and talk clearly and directly about your housing options. We will be clear about what we can and cannot do to help you;
- Hold all the information you provide us with securely and in line with the law and the Data Protection Act 1998

3. Policy Review

This policy will be reviewed in 2020 or earlier as a result of legal, regulatory or best practice requirements.

4. Principal Legislation

We have developed this policy using the good practice and guidance available from the Scottish Government, the Scottish Housing Regulator, the Scottish Federation of Housing Associations and the Chartered Institute of Housing. This means our policy is fair and gives reasonable preference to applicants in housing need. This policy complies with, and takes account of, the following housing legislation:

- Housing (Scotland) Act 1987;
- Housing (Scotland) Act 2001;
- Homelessness etc. (Scotland) Act 2003;
- Housing (Scotland) Act 2006;
- Housing (Scotland) Act 2010;
- Housing (Scotland) Act 2014.

We also protect your rights by meeting the legal requirements set out in other legislation, including:

- Human Rights Act 1998;
- Data Protection Act 1998;
- Matrimonial Homes (Family Protection) (Scotland) Act 1981;

- Children Scotland Act 1995;
- Civil Partnership Act 2004;
- Immigration and Asylum Act 1999;
- Protection from Harassment Act 1997;
- Management of Offenders etc. (Scotland) Act 2005;
- Equality Act 2010; and
- Adult Support & Protection (Scotland) Act 2007.

5. The Scottish Social Housing Charter

The Scottish Housing Regulator uses outcomes and standards set out in the Scottish Social Housing Charter (SSHC) to assess the performance of social landlords. To allow the Association to address the required outcomes and standards we have developed our policy to ensure:

- 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 7: People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them;
- Outcome 8: Tenants and people on housing lists can review their housing options;
- Outcome 9: People at risk of losing their homes get advice on preventing Homelessness;
- Outcome 10: People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

6. Equality and Diversity

Equality and Diversity

The Association are firmly committed to equality of opportunity for all housing applicants, and will ensure that in applying this policy we will not discriminate against any individual, household or group on grounds of race, gender, sex, marital status/civil partnership, gender reassignment, sexual orientation, pregnancy or maternity, religion or belief, language, social origin, disability, age or other personal attribute.

We will make this policy available in alternative formats such as large print or Braille on request. Translation services for other languages will also be made available if you require this. We are also firmly committed to the equalities standard in the Scottish Social Housing Charter that “every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services”

7. Applying for Housing

7.1 Who can apply for housing?

Anyone 16 years and over can apply for housing unless they are subject to immigration control. You can apply on your own, jointly with a partner or jointly with anyone else who will be living with you.

7.2 Homelessness, Roofless or the Need for Emergency Accommodation

Homeless people can make an application for housing to the Association, however, the Association do not have emergency accommodation or properties immediately available for let. If an applicant is roofless and is in priority need then they would be required to present themselves to the Local Authority housing team in order to seek emergency accommodation. The Association have a formal protocol with West Dunbartonshire Council outlining how we will work together to house people who are homeless. The council has a legal obligation to assess anyone presenting themselves as homeless and, where the council is satisfied that the person is statutorily homeless, the applicant if they particularly wish to be housed by Bellsmyre, can be referred to the Association who is required to make a suitable offer if we have available and suitable accommodation.

If you wish to attend an interview with the West Dunbartonshire Council, Homeless Persons Team we can arrange this for you or you can telephone:

West Dunbartonshire Council
Dumbarton Area Housing Office
Telephone Number: 01389 737 000

An applicant will be considered to be threatened with homelessness if they do not have a secure tenancy and their current landlord has issued a Notice to Quit, they are living with friends or family and have been asked to move out, or where they own their present home and the lender has confirmed their intention to bring repossession action owing to inability to pay the mortgage.

8. Your Application

8.1 Applicants Responsibilities

Applicants are required to provide full and accurate information at all times; provide identification and verification documents as required; to advise us if their housing and personal circumstances change; and to respond to our annual housing list review communications and any other such communication required.

8.2 Completing an Application Form

Application forms can be posted out, collected from the office or downloaded from the website. They can be requested in person, by telephone, by letter/email.

Should you require help, information or advice on how to complete your application, or receive information regarding your prospects of being housed by the Association then please let us know. Staff will be available to provide assistance with completing your application form if you ask for help. We can offer advice on your housing options with Bellsmyre or other neighbouring landlords and provide information on other agencies which may be able to help you with your current housing situation.

In order to assess an application properly, it is important for us to have accurate and up to date information on your circumstances. You must keep your application up to date by notifying us of any change as soon as it occurs. You can call us, email or write to us to tell us about the change. If someone joins your household or leaves it, or you

move home, you need to tell us about this change. Where your application is placed on the housing list and the points you get (if any) may change if there is a change of circumstances.

Our lists are administered in exactly the same way and are operated through the points system. We allocate our properties across all of our respective housing lists by the use of an agreed quota.

8.3 Proving your Identity

You will need to provide us with proof of your identity in the name you have applied in. We will accept your birth certificate, passport or National Insurance card. We also need two forms of proof showing your current address as your permanent and principal home. This may include, but is not limited to:

- official letters/bills/statements from a local authority, public agency or private utility (gas, electric, telephone), government department, private sector lease, bank or building society;
- current photographic driving licence;
- national health card.

8.4 Assessing your application

We aim to complete our assessment of your application within 5 working days of receiving it as long as you've provided all the information we need. If required, we may request additional information from you to assess your application. If you don't give us all the information we need, this may delay your application and we are unable to confirm any offer of housing without the required proof of identity and address.

All application forms will be assessed (or "pointed") in line with a needs-based points system and placed on the appropriate list. We will write to all applicants explaining the number of points awarded and details of their housing prospects based on the assessed level of need.

Applicants should be aware that if you apply for housing this does not mean we will definitely offer you housing. More people apply for housing than the number of homes we have available to let at any one time.

Factors we take into account when assessing your application

Factors that are not taken into consideration when applying for housing	Factors that are taken into consideration when applying for housing
<ul style="list-style-type: none"> • Whether you live in Bellsmyre HA area of operation and how long you have lived there 	<ul style="list-style-type: none"> • You owe a landlord more than 1/12th of the annual rent, and you have not agreed to repay what you owe and haven't made at least three monthly payments towards the money you owe when you said you would pay
<ul style="list-style-type: none"> • Any debts that are not related to your current or former tenancy (council or registered social landlord tenancies) 	<ul style="list-style-type: none"> • You need to get support from, or give support to, a family member or carer to help you or a member of your family or carer to live independently
<ul style="list-style-type: none"> • Any debts you have already repaid 	<ul style="list-style-type: none"> • You have a social or medical reason to move to, or remain in

	the Bellsmyre HA area of operation
<ul style="list-style-type: none"> • Debts related to your tenancy if they are less than 1/12th of the yearly amount of rent you pay; or you have already arranged a repayment plan and have kept it for at least three months and you are still keeping to it 	<ul style="list-style-type: none"> • Whether you or anyone that will live with you owns any property.
<ul style="list-style-type: none"> • You and / or your family's income (including any benefits you receive) 	<ul style="list-style-type: none"> • You are being harassed or abused where you live.
<ul style="list-style-type: none"> • Your age, as long as you're over 16, and the home you want has not been designed or adapted as older persons housing 	<ul style="list-style-type: none"> • You are a homeowner, or persons proposed to reside with you are
<ul style="list-style-type: none"> • If you are legally separated or divorced 	
<ul style="list-style-type: none"> • Who you live with at the time you apply for housing 	

8.5 Making Enquiries and Seeking References

We make enquiries about your application when we receive it but the enquiry we make will depend on where you're living at the time you apply and where you've lived for the three years before you applied.

We will ask your previous landlords for a reference if you've been a tenant at any time in the past three years to find out if:

- you owe any money,
- you have acted in an anti-social manner; and
- your landlord has taken any formal action against you to end your tenancy.

We may suspend your application if we receive an unsatisfactory reference, refer to Section 10 for more details on suspending your application.

If you refuse us permission to get references we won't make you an offer of housing until we receive a satisfactory reference, but your application will not be suspended.

If you deliberately provide false or misleading information you will be suspended from our housing list. Any offers of housing that have been made will be withdrawn. If a tenancy is granted on the basis of false information, the Association may take action to end the tenancy.

8.6 Home Visits

House visits will generally be carried out to verify current circumstances when an offer of housing is imminent. If the applicant lives out with the West Dunbartonshire area, the Association may contact other local registered landlords to complete a house visit on the Association's behalf.

9. Key Access Routes into Bellsmyre Housing – Housing Options

There are a number of routes into being housed, or re-housed, by Bellsmyre Housing Association and the following describes what these access routes are in more detail. In order to achieve a balance by providing fair and reasonable access to our housing stock for all applicants, the Association use a quota method to help achieve these outcomes.

9.1 Allocation Quotas

The Scottish Government's guidance recognises quotas as a way of balancing the demand for housing and we have used these to help ensure that our lets are spread between the needs of all our applicants. The current quotas in place are as follows:

Nomination from the council	–	50%
Housing List	–	25%
Transfer List	–	25%

It is important to note that the above quotas are to be used as a general guide and will therefore remain flexible so that these can be changed to reflect any changing circumstances that emerge, e.g. local regeneration, new build developments, changing demands, home loss need as a result of demolition or refurbishment and available housing supply.

9.2 Homelessness Referral from Council (Section 5 Referral)

Section 5 referral is the process by which the council provides details of an individual they have assessed as homeless and asks the Association to provide suitable re-housing. The Association has a legal duty to assist the council and has entered into a formal protocol which outlines the working arrangement. Section 5 referrals therefore receive top priority and the number of referrals the Association will receive in a given year is dependent upon the number of homeless people in the local authority area. In order to be considered for housing through this route applicants are required to go to the local Council housing office. (See section 7.2)

9.3 General Housing List

All applicants who are not categorised to be on any of the other housing lists described in this section will be added to the General Housing List.

9.4 Internal Transfer List

The internal transfer list hold the applicants who are existing Bellsmyre Housing Association tenants and have requested re-housing in alternative accommodation owned by the Association in order to address a current housing need.

9.5 Nomination from the Council

The Association has a nominations agreement with the council whereby 50% of its lets are offered to applicants nominated by the council from the councils housing list. This percentage remains under regular review and is subject to change as needs require.

9.6 Management Transfer

Management transfers are for emergency situations where it is untenable for a tenant to remain in their current home. They are to be used only in exceptional circumstances. The granting of a management transfer is an operational decision and will be the responsibility of the Area Housing Manager or the Area Director in their absence.

The Association may consider a management transfer within its existing stock for an existing tenant in exceptional circumstances, for example, where there is an intractable dispute between two households and where investigations are unable to identify fault

on part of one or the other or the evidence is such that it would not merit court action but was indeed impacting on either households wellbeing. In advance of any such decision, a thorough investigation will be carried out and other remedies like mediation should be considered to help improve relationships. A management transfer of one of the households may be the best solution assuming that one household is willing to move. When arranging a management transfer, the accommodation should meet the household's current housing needs.

The Association may in some circumstances request a management transfer with other local RSLs. This would apply where the Association has decided that a management transfer is the appropriate action to take but the circumstances are such that the person being transferred needs to move out of the area. The same would also apply where one of the local RSLs contacted Bellsmyre with a similar request.

9.7 Referral from another Agency

There are a number of agencies offering a range of assistance and advice, for example Women's Aid or Positive Action in Housing, and some of this may be related to requests for housing. Where the Association is approached by a recognised external agency wishing to make an urgent request for re-housing on behalf of an individual or household, the Association may assist in whatever way it feels possible. Given the low turnover, however, it will not always be possible to make a suitable offer at the time of request. Any such offer of housing would be considered under the Exceptional Circumstances section at 9.9 below.

9.8 Mutual Exchange

Tenants may find that the solution to improve their un-met housing needs is to arrange a swap, or an exchange, with another household which has similar requirements for a suitable exchange. This arrangement is known as a Mutual Exchange. Tenants can arrange this themselves with other Bellsmyre tenants or other Registered Social Landlord tenants on the approval of each landlord and under strict conditions described in our Mutual Exchange Policy. (Available on request and from our website)

The Association is a member of the UK HomeSwapper house exchange scheme – www.homeswapper.co.uk. HomeSwapper is for social tenants in the UK (in rented property) who want a house swap (or flat swap).

9.9 Exceptional Circumstances

The Housing (Scotland) Act 2014 Statutory Guidance for Social Landlords advises that social landlords should account for a level of flexibility in their allocations policies in order to take account of "exceptional circumstances" which will give landlords the flexibility (within the legal constraints) to award a tenancy in such exceptional circumstances as they arise. At times the Association may feel it appropriate to offer a tenancy in exceptional circumstances where it is felt appropriate to do so and the circumstances are unable to be met with the other provisions within this policy. It is not possible to predict all the exceptional circumstances which could arise but examples could include;

- Where a landlord makes a management transfer or special let outside the normal allocations policy;
- Where a landlord makes an exceptional allocation to someone who does not qualify to succeed a tenancy – for example a carer who has given up their previous home; or
- Where the landlord makes an allocation out with its normal allocations system, to a household being resettled in the UK – for example through an official Resettlement Programme.

9.10 Succession

Succession to a tenancy occurs following the death of a tenant when someone already living in the property wishes to become the new tenant and they are entitled to do so. Only “qualifying persons” can succeed the tenancy.

There are qualifying conditions and time periods required before a succession can be approved. There is no qualifying time period for the tenant’s spouse, civil partner or joint tenant provided (in all cases) that the person’s only or principal home was the house in question at the time of the tenant’s death. Other persons or partners who are not “spouse, civil partner or joint tenant” require to meet qualifying conditions set out in our Succession Policy.

9.11 Assignment

Assignment to a tenancy occurs when the current tenant wishes to give the tenancy up and someone already living in the property wishes to become the new tenant and they are entitled to do so. There are conditions and qualifying periods that are required to be met before an assignment can be approved. These conditions and requirements are set out in our Assignment Policy.

The Association’s policy on Succession and Assignment is provided at Appendix 1.

9.12 Lodging

Occasionally a tenant may have a spare bedroom and choose to take in a lodger. Tenants are required to get the Association’s permission before taking in lodgers. This will not be unreasonably withheld, however we are unable to allow a lodger to move in if this results in any overcrowding – i.e. there must be a spare bedroom. If the tenant is in receipt of housing benefit, the Council require to be advised of the change in circumstances as this could affect the tenant’s entitlement resulting in the tenant receiving less housing benefit. Any such requirement is the responsibility of the tenant.

9.13 Subletting

Occasionally a tenant may have circumstances which requires them to be temporarily away from their home but wish to retain their tenancy as their principal home. If they are going to be absent from the local area for a period of up to one year, for example temporarily working away from home, they may request to sublet their home for a limited period. This may present an opportunity for someone in housing need to take up the temporary let.

During any period of sublet, it is the tenant who is legally responsible for ensuring that the rent is paid timeously and that all other tenancy conditions are met including any unpaid charges owed to the Association incurred whilst the sublet arrangement was in place.

There are conditions that are required to be met by the tenant. These conditions are set out in our Subletting Policy.

The Association’s policy on Subletting is provided at Appendix 2.

9.14 Tenancy Sustainment and Support

Occasionally, applicants are identified who require support to help them sustain a tenancy which may be offered to them, for example a person being allocated their first tenancy or someone who may have health problems, which may prevent them from sustaining a tenancy effectively. The Association tries to identify these issues by carrying out pre-tenancy interviews and/or home visits when verifying circumstances on the application. In these identified cases, the applicant will be asked if they would like the Association to make a referral to other agencies, for example, Money Advice

for budgeting skills, or Social Work Department, or addiction services. On occasions the Association will make referrals where it feels it is in the best interest of the tenant.

9.15 Temporary Lets to Homeowners.*

The Association may at times allocate a property to a homeowner, or persons proposed to reside with them, on a temporary letting basis where the applicant or persons proposed to reside with them, owns heritable property. These temporary lets are provided by granting the property owner or persons proposed to reside with them a Short Scottish Secure Tenancy to meet a temporary housing need.

On these occasions the house would be let expressly on a temporary basis pending the applicant making other arrangements required to meet their long term housing needs in a foreseeable timescale. The applicant must have housing need.

Such circumstances include where the applicant owns heritable property that:

- they cannot access; or
- which is not suitable for their immediate needs.
- live within the Associations regeneration zone and require alternative temporary accommodation for a limited period until secure accommodation is sourced

Some examples of circumstances which the Association would consider appropriate include:

- awaiting an agreed period which their property is rented out and they are awaiting this to come to an end to regain access;
- they sell their property and secure alternative accommodation that meets their needs;
- make the necessary arrangements for building on, extending or installing adaptations to the property; or
- carry out repairs needed to make the property habitable.

There are other housing need circumstances of homeowners or persons proposed to reside with them when the Association will offer a tenancy with no regard of property ownership. These circumstances are;

- where their property has not been let, and the owner cannot secure entry to it, when for example, it is not safe to enter the property due to severe structural faults or where squatters are occupying the property;
- where it is probable that occupying the property will lead to abuse from someone currently living in the property;
- where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere; and
- where the occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by the applicant to prevent that danger.

In such circumstances described above the Association will determine whether a Short SST or an SST tenancy is the most appropriate type for a homeowner applying for housing. All circumstances regarding housing needs and whether those needs are temporary or permanent will be considered. Evidence of such circumstances will be required to assist our assessment.

**The provisions of this policy section 9.15 will become effective further to the announcement of the 'effective date' by the Scottish Government when it is released.*

10. Housing List: Reviewing, Removal, Deferrals and Suspensions

10.1 Annual Review of Application

We will review your application at least once a year. The date of this review is based on the date you registered your housing application with us. This is important to keep the housing list up to date and ensure appropriate offers of housing are made.

As part of the review, we will write to you asking if there have been any changes in your circumstances and if your choices of property type and area are the same.

We will give you 28 days to reply. If you have not replied we will send you a reminder giving you 7 more days to reply. If you don't reply, we will remove your application from the housing list.

10.2 Removal of Applications

There are other times when we will remove an application from the housing list apart from the annual review.

We will remove your application from the housing list if:-

- you request, in writing, that you wish to be removed from the list
- you do not reply when we ask you for more information to support your application or we ask you to get in touch with us for some other reason
- you fail to respond to a review
- you die

10.3 Deferred Applications

You can ask us to defer your application if you don't want to get an offer of housing for some reason. This means that you can stay on the housing list but won't get an offer of housing. People sometimes ask us to do this if their home comes with their job but they don't have to leave their home yet. If you ask us to defer your application, it is your responsibility to tell us when you'd like to be considered for an offer of housing. You must still respond to our letters when we review your application if you ask us to defer your application.

10.4 Suspending Applications

Everyone has a right to have their application added to our housing list if they are 16 years or over. However, we can suspend your application from the list in certain circumstances. If we suspend your application, you will not be offered accommodation, even if you are in housing need.

We want to keep to a minimum the number of people we suspend from the housing list, but there are some circumstances where we do need to suspend people from the list. These circumstances are as follows:-

Reason for suspension	Period of Suspension	Reason for ending suspension
<ul style="list-style-type: none">• you refuse two reasonable offers of housing. This will trigger a Housing Options review interview	3 months from date of second refusal	Application automatically reinstated after 3 months or sooner if Housing

		Option interview completed
<ul style="list-style-type: none"> • you withhold information that you should have told us about: for example, if you had a tenancy in the three years before you applied to us for housing and you didn't tell us, that's withholding information that you should have told us about 	6 months from date discovered	Application automatically reinstated after 6 months
<ul style="list-style-type: none"> • you give us misleading information; if you tell us that you left your last home because the tenancy ended but the tenancy ended because your landlord had you evicted because you didn't pay your rent that's providing us with misleading information 	6 months from date discovered	Application automatically reinstated after 6 months
<ul style="list-style-type: none"> • you give us information that you know is wrong: if you tell us you never owned a property or you were never the tenant of a property when you were, this is providing information that you know is wrong 	6 months from date discovered	Application automatically reinstated after 6 months
<ul style="list-style-type: none"> • you do something that makes your housing situation worse such as leaving a property that didn't have all the bedrooms you need without having another property to go to 	6 months from date discovered or from date you left the accommodation	Application automatically reinstated after 6 months
<ul style="list-style-type: none"> • you are a tenant but you have breached your tenancy conditions and your landlord has given you notice of proceedings for recovery of possession or has a decree or order from a court for your eviction 	Duration of notice / order	Behaviour has to be satisfactory for the length of notice / order
<ul style="list-style-type: none"> • You or someone that lives with you are the subject of an ASBO or have been within the last three years, or anti-social behaviour: the application will be suspended until the conduct or behaviour has changed. For example, if an Anti-Social Behaviour Order (or ASBO) has been made against you or someone that will live with you or your behaviour has been anti-social 	We will review your behaviour at the end of the six months.	Evidence that behaviour has improved
<ul style="list-style-type: none"> • you have lost a previous tenancy by abandoning it: for 	6 months from date discovered	Application automatically reinstated after 6 months

example you leave a property that you have rented without handing back the keys or notifying your landlord		
<ul style="list-style-type: none"> • you have outstanding rent arrears and there is no arrangement in place to repay what you owe 	Subject to you repaying the debt	Evidence that rent or service charge debt has reduced and you have made at least 3 monthly significant payments towards what you owe
<ul style="list-style-type: none"> • you have previously been evicted by a court order: for example you were evicted for rent arrears or damage to the property or its contents, or anti-social behaviour 	6 months from date discovered	Application automatically reinstated after 6 months

You can appeal against our decision to suspend your application and also ask us to review our decision if your circumstances change. See Section 24 for further information on appeals and complaints.

11. Best use of our Housing Stock

11.1 Amenity, Adapted and Accessible Housing

When the Association has wheelchair accessible, adapted and amenity houses where adaptations have been carried out, become available for let, we will let them in a way that ensures their facilities are put to the best use for applicants in need of such adaptations.

These properties will be allocated with priority given to applicants with relevant medical needs. If the Association has no one on the list that needs such a property we will contact other local housing providers to find out whether they have a suitable applicant.

For households who no longer require wheelchair accommodation, the Association will seek to provide more suitable housing, to make the property available for an applicant who requires this type of accommodation.

Adapted Housing

Adapted housing includes houses purposely built for disabled people as well as homes that have been significantly adapted. If you require a specifically adapted property because you have a particular health need or a disability, a full needs assessment will be carried out by Occupational Therapist and / or Social Work and points then will be awarded to reflect the degree of your housing need.

When allocating adapted housing, your suitability for the property will be the determining factor so it is important that we fully understand the type of property you need.

12. Data Protection

All information provided by applicants will be treated as strictly confidential. No information about an applicant will be given to any other persons unless the applicant has signed a mandate that permits this or the Association is legally required to provide information to a third party, for example the Police.

Any personal information you give us when you apply for housing under this policy will be handled according to the legal responsibilities placed on us by the Data Protection Act 1998.

This means that your personal information will be held on a secure IT system and accessed only by authorised individuals. The information you give us will only ever be used for the following three purposes:

- assessing your housing application in accordance with the policy
- statistical monitoring of housing supply and demand
- future consultation and customer surveys

This data will not be passed to third parties unless the request is for one of the purposes stated within Part 4 of the 1998 Act. You have the right to access the personal information we hold on your housing application as set out by both the Housing (Scotland) Act 1987 and the Data Protection Act 1998.

We cannot unreasonably refuse requests to access personal information and only ever in specific circumstances, e.g. if providing that information involved revealing details about another person without their consent.

If you request to see the personal information we hold on you, we will provide this within forty working days. There will be an administration charge to you for providing this information.

13. Applications from Committee Members, Staff Members or their Close Relatives - Associations Entitlements, Payments and Benefits Policy

The law requires that we take certain steps prior to offering a tenancy to one of our people or those closely related to them. This includes securing Management Committee approval for the offer prior to the offer being made.

It is not unusual for the Association to receive housing applications from Governing Body members, staff of the Association and relatives of these groups. The Association may grant a tenancy to these groups – otherwise referred to as “our people” but only if the appropriate and lawful processes have been strictly adhered to.

The Associations Entitlements, Payments and Benefits Policy ensures continued good governance relating to the allocation of tenancies to employees, governing body members and their family members. This policy is based on the Scottish Federation of Housing Association's (SFHA) Model Policy on Entitlements, Payments and Benefits, which has been endorsed by the Scottish Housing Regulator (SHR).

The policy provides that the offer of a tenancy or lease in any of the Group's properties to one of our people or to someone closely connected to them is permitted provided the following is adhered to;

- It is in accordance with the relevant published Bellsmyre Allocations Policy; and
- Neither the applicant or anyone connected to the applicant is involved in any way or in any part of the allocation process; and
- The offer is approved by the Governing Body in advance; and
- The tenancy is recorded as an interest in the appropriate register within five days of the tenancy commencing.

A question is included in the housing application form in order to ensure that any relevant person is identified at the beginning of the process and action can be taken if not disclosed.

14. Size of Accommodation to be offered

We will register your application on the housing list according to the type and size of property that you require. This helps us to make sure that each property is let to an applicant that will make the best use of the stock that becomes available.

We will work out the number of bedrooms that you require using the following criteria, based on who will be living permanently with you in the household. This means that we will assess the house size an applicant requires on the basis of a living room for the household plus:-

Household Size	Number of Bedrooms
Single Person or Couple	1 bedroom
Family with one child	2 bedrooms
Family with two children of sharing age and gender*	2 bedrooms
Family with two children beyond sharing age and gender*	3 bedrooms
Family with 3 children with two of sharing age and gender*	3 bedrooms
Family with 4 children all of sharing age and gender*	3 bedrooms
Family with 4 children or more with 2 children of sharing age and gender	4 or 5 bedrooms
All other persons or couple within the household composition	1 additional bedroom
* Sharing age is the same gender up to 16 years, different genders is up to and including 10 years	

We will make common sense exceptions to these rules, depending on individual circumstances. For example:-

- if you require an additional bedroom on medical grounds;
- if you provide foster care, or have been pre-approved to provide foster care or to adopt children we will provide one additional bedroom;
- if you have access to children who do not reside with you on a full time basis we will provide one additional bedroom;
- if you or a member of your household is pregnant and can provide us with proof of pregnancy from someone independent like a doctor or midwife, we will provide housing to meet the needs of the full household.

We will ask you to provide further information in support of your application, if you require larger accommodation than we would normally allocate.

At times of low demand on particular house types, we may make you an offer of housing that has one more bedroom than you need, we will provide you with information and advice to enable you to make an informed decision and choice about how you will manage to pay for your home financially. It is really important that you consider this information as you could be at risk of financial hardship which could result in the loss of your home. In such circumstances we would not allocate you under occupation points should you reapply for an internal transfer within 1 year.

The Association will not offer accommodation which will result in over-crowding or under-occupation unless, in the case of under-occupation, the requirements are met with the provisions of this policy.

15. Offering you a Home

Officers use our computer system to prepare a “short list” of applicants when a property becomes available. Joining the housing list does not mean that we will always be able to make you an offer. Whether you receive an offer of housing will depend on:

- your unmet housing needs
- demand from other people on the list with unmet housing needs
- the number of properties that become available
- the type, size and location of properties available
- the number of allocations we need to make within our quota set out at section 9.1

If we decide to offer you a property, we will make you a formal offer of housing. We may call you to tell you we have an offer for you and will send you a written offer. If we offer you housing by “phone” we will always confirm the offer in writing.

The letter we send to you will set out the next steps and information regarding the pre-tenancy interview. We will tell you:

- the address of the property;
- the number of bedrooms it has;
- what type of property it is (such as a flat or a house);
- how much rent and service charge you will have to pay if you accept the offer;
- what to bring to your pre-tenancy interview; and
- provide you with the letting standard

You must tell us within two working days if you are taking the offer. If you do not respond to our offer, we will treat this as a refusal of our offer.

We will normally make applicants up to two reasonable offers of housing.

If you turn down two offers, without good reasons, we may suspend your housing application. If you are homeless, the Local Authority will be advised of each refusal. You may wish to reconsider your housing options with us if our offers have not met your requirements.

Every offer we make will be a reasonable offer. This means that the property we offer you will:

- have all the bedrooms you need as defined by this policy
- meet all the needs reflected in your application

Wherever possible, we will offer you the type of housing you'd like but we can't always do this because we don't always have enough of the type of properties people would like to live in.

16. Accepting our Offer of Housing

On accepting our offer, we will sign you up as our tenant at our office. If you made a joint application, you will have a joint tenancy. All tenants must be present when we ask you to sign your tenancy agreement. We will give you advice, information and support throughout the process of becoming our tenant. We will clearly explain your rights and responsibilities under the tenancy agreement before you sign it.

17. Tenancies – Scottish Secure Tenancy (SST), Short SST, Joint Tenancies, Houses in Multiple Occupancy (HMO)

Scottish Secure Tenancy (SST), Short SST

If you are made an offer of housing, we will offer you a Scottish Secure Tenancy (SST) in line with our legal responsibilities. An SST means you can keep your tenancy for as long as you want as long as you do not break the terms of your tenancy agreement. If you do, we can take legal action to end your tenancy.

In a limited number of situations, we may offer you a Short Scottish Secure Tenancy. As a Short Scottish Secure tenant you have many of the same rights as a Scottish Secure tenant. However, your rights are more limited on eviction, subletting and succession.

Your Short Scottish Secure Tenancy agreement will state that your tenancy is for a fixed period of time (at least six months). If by the end of that time, neither you nor your landlord has requested that the lease ends, it will renew itself for the same amount of time again (for example, for another six months).

We can only give Short Scottish Secure Tenancies in very specific circumstances. This is defined by law in Section 37, Schedule 6 of the Housing (Scotland) Act 2001, and the Housing (Scotland) Act 2014. These circumstances will apply to you if:-

- you have previously been evicted for anti-social behaviour in the last three years
- you or someone you live with has an anti-social behaviour order

- where you're living is scheduled for development and we need you to move to allow us to get the work done
- you are homeless and the property is let to you on a temporary basis for more than six months
- you need housing support to help you maintain your tenancy
- we are sub-letting the property to you: this means we lease the property we're offering you from another social landlord
- you are a homeowner who requires housing from us (see section 9.15)

In all cases we will serve you with a notice, informing you that we are offering you a Short Scottish Secure Tenancy. This notice will also state why you are being offered a Short Scottish Secure Tenancy and the period for which the tenancy is being offered.

If you have been given a Short Scottish Secure Tenancy because of a previous eviction for antisocial behaviour or because someone you live with has an antisocial behaviour order (ASBO) served against them; the Short Scottish Secure Tenancy will be converted to a Scottish Secure Tenancy at the end of 12 months, provided the Association hasn't given you a notice to quit.

The Association will notify you when your tenancy agreement changes, and will tell you what your new rights and responsibilities are.

Joint Tenancies

Under this policy you can apply to have a joint tenancy with someone who is staying with you or someone you intend to stay with you.

We encourage joint applicants, of the same or opposite sex, to apply for joint tenancies to ensure that they have the same legal rights.

Houses in Multiple Occupation (HMOs)

We will not make an offer of housing that would result in three or more unrelated people living in a property unless this property has been specifically selected by the Association to be accommodation which has special requirements like housing support or care services provided by an agreed partner as this would create a house in multiple-occupation (HMO) which is covered by specific regulations.

18. Assessment of Housing Need – The Points System

Applications for housing will be assessed based on the information provided by the applicant and the supporting evidence where required. The applications will be assessed in line with the provisions set out in this policy and the law. Each application will be awarded points for the particular unmet housing need that they qualify for.

18.1 Information Regarding Medical Assessments

The key question the Association will ask when assessing whether medical/health points will be awarded is "Will re-housing alleviate the condition or improve the quality of life?" All applicants who feel that housing could alleviate a health condition can apply to the Association for a health point's assessment.

The applicant will be asked to complete a self-assessment form. The information contained in the self-assessment form, combined with a home visit wherever possible, may be sufficient to assess (i) whether re-housing would help alleviate the health problem or improve the quality of life and (ii) the severity or urgency of the case. A professional opinion may be sought in some cases, for example, to make an

assessment in cases where stress, depression or other mental health conditions are involved.

Where someone who would normally be expected to share a bedroom requires a separate bedroom for medical reasons (for example, a couple requiring a bedroom each or a child who has a disability being unable to share a bedroom with a sibling), then this will be taken into account when assessing overcrowding.

If the applicant lives out with the West Dunbartonshire area, the Association may contact other local registered landlords to complete a house visit on the Association's behalf. Where this is not possible, the applicant may be asked to provide a letter from their GP, or hospital consultant.

We will attempt to match applicants to housing which will help alleviate the symptoms of their medical condition. Should there be two applicants with the same medical points and a property has become available that would suit both, an assessment will be made of the applicant's current housing conditions, the location and type of property being offered and the length of time an applicant has been in housing need. An independent professional medical opinion may also be sought.

Points will only be awarded to one member of the household who has a medical condition. The household member who has the highest number of medical or health points would have the points allocated to the application.

18.2 Relationship Breakdown

Applicants whose relationship has broken down may be asked to provide evidence that their relationship has ended and that they require separate properties as a consequence. This could be in the form of a Solicitor's letter confirming that they have been instructed to act on behalf of one of the parties.

If a relationship breakdown occurs with a couple who are currently residing in a Bellsmyre tenancy, advice will be given to both parties to seek legal advice on the entitlement to the tenancy in cases where the parties cannot agree. The person not awarded the tenancy can apply to the Association separately.

Applicants who are experiencing a relationship breakdown with another member of their household i.e. Mother, Father Brother, Sister etc will be asked to provide confirmation of this where appropriate.

Separated parents, following a relationship breakdown, seeking housing on their own with access arrangements for children, will be asked to provide confirmation of the access details.

18.3 Our Points Table

Housing Needs Assessment	Housing List Points
<p>Homelessness Applicants in this group must be assessed as by the Council as:</p> <ul style="list-style-type: none">• threatened with homelessness• unintentionally homeless (under Part II of the Housing(Scotland) Act 1987 and 2001 Act) <p>A referral arrangement is in place with West Dunbartonshire Council. This is also known as Section 5 referrals.</p>	<p>No points required.</p>

<p>Nominations The Association has a nominations agreement in place with West Dunbartonshire Council whereby lets are offered to applicants nominated by the council from the councils housing list.</p>	<p>No points required.</p>
<p>Insecure Housing You can receive points from this group if you do not have secure accommodation or are threatened with homelessness in the next 2 months.</p> <p>You will receive points if:</p> <ul style="list-style-type: none"> • Are in a relationship that has broken down and you are unable to remain in the house as your principal home • You live in private rented accommodation and your lease has expired or you have been served with a notice to quit by your landlord through no fault of your own • You have no settled address and/or living at a “care of” address • You live in a caravan but have access to facilities that are not below tolerable standard • You live in tied accommodation and your employer has told you that you will have to leave your accommodation within the next 6 months (for example, as a result of retirement or redundancy) • You live in private rented accommodation and you have a short assured tenancy 	<p>30 points</p> <p>20 points</p> <p>10 points</p> <p>10 points</p> <p>10 points</p> <p>5 points</p>
<p>Urgent or Exceptional Housing Need This group includes applicants who are:</p> <p style="text-align: center;">people at risk of/experiencing domestic abuse people at risk of/experiencing serious harassment people moving on from supported accommodation staying in adaptive housing and no longer require it Armed Forces personnel leaving active service people who require to leave home as a result of regeneration witness protection cases</p>	<p>40 points</p>
<p>Living in Unsatisfactory Housing Conditions</p> <p style="text-align: center;">Rising or penetrating damp No inside toilet No piped supply of hot or cold water No bath or shower No kitchen facilities Structurally unstable No central heating</p>	<p>5 points</p>
<p>Sharing Amenities Sharing amenities points are awarded when an applicant is sharing with another household who is not due to be re-housed as part of the application.</p> <p style="text-align: center;">Sharing a bathroom Sharing a kitchen Sharing a living room</p>	<p>5 points</p> <p>5 points</p> <p>5 points</p>
<p>Overcrowding Overcrowding will be assessed based on room requirements set out in section 14. Points for over-crowding will not be awarded when someone has intentionally become over-crowded or where a lodger or additional</p>	

<p>people have not been given permission to reside by the Association. For each extra bedroom required to alleviate overcrowding</p> <p style="text-align: center;">A current tenant of the Association A tenant of another RSL A homeowner</p>	<p>20 points 10 points 5 points</p>
<p>Under-occupation Under-occupation will be assessed based on room requirements set out in section 14. To encourage Association tenants to release under occupied family houses for re-let, the number of points awarded for each room surplus to requirements is greater than non-Association tenants, and those are greater than homeowners to assist freeing up Social Housing. For each spare bedroom under-occupied</p> <p style="text-align: center;">A current tenant of the Association A tenant of another RSL A homeowner</p>	<p>20 points 10 points 5 points</p>
<p>Medical Points or Points Awarded on Health Grounds You can receive these points if:</p> <ul style="list-style-type: none"> • You have difficulty with mobility and/or; • Serious long term or terminal health problem and/or; • Your health problems are being made worse by your current housing situation which could be alleviated or managed more effectively by being rehoused <p>There are three levels of medical points:</p> <p>High You have an urgent need for housing and your medical condition is being severely affected or made worse by your current accommodation and you are:</p> <ul style="list-style-type: none"> • Unable to return home from hospital as your home does not meet your medical needs, or; • Urgent housing to prevent admission to hospital, residential care, nursing home, or; • Unable to access any of the facilities in your home, or; • Having extreme difficulty getting in and out of your home due to steps or slopes leading to your doorway, or; • Having extreme difficulty moving around your home <p>Medium You have serious health or mobility issues and your home seriously affects your daily activities. Re-housing would alleviate your health or mobility difficulties and / or improve your quality of life.</p> <p>Low You have less serious health or mobility difficulties and your home hinders daily activities. Re-housing would alleviate your health or mobility problems and/or improve your quality of life.</p>	<p>20 points</p> <p>10 points</p> <p>5 points</p>
<p>Social/Community/Family Support Providing or Receiving Help to Live Independently You can receive points in this group if you or a member of your household need to move home for one of the following reasons:</p> <ul style="list-style-type: none"> • To receive help – for example, you need to move to be closer to your carer or family 	<p>15 points</p>

<ul style="list-style-type: none"> To provide help to somebody else – for example, you want to move to be near somebody you are going to help live independently 	15 points
Management Transfers and Exceptional Circumstances See sections 9.6 and 9.9	No points required.

19. Discretion – Exceptional Circumstances

Using our Discretion

We understand that our policy cannot cover all of the circumstances that may lead to you needing to move home. In these situations the Housing Association has a special power to use “discretion” where you need to move or be housed urgently. This discretion is applied in exceptional circumstances.

Discretion will only be used where:

- housing is needed quickly
- our allocations policy won't allow us to offer housing quickly
- there are good reasons or special circumstances to offer housing quickly in urgent cases

Examples of “good reasons” and “special circumstances” include:

- significant compassionate grounds: such as the death of a family member in or around the house. In these circumstances, it may be very difficult for the remaining family to distance themselves from the event and professional advice suggests a change of home is fundamental to the future wellbeing of a family member
- management reasons: such as where we need to carry out substantial works to your home and we need to move you out temporarily or you have succeeded to the property but it was specially adapted for the original tenant and you don't need those adaptations but someone else does
- community safety issues: such as witness protection measures or there is a high risk to you by remaining in the property and this has been confirmed by Police Scotland and other professionals.

If you refuse our discretionary offer after we've made it to you and there are no significant reasons why the offer is not suitable, you will lose your priority status and your application will return to the position on the housing list where it was before discretion was used. Discretionary offers are approved by the Associations Area Housing Manager after consideration of all the facts which will be recorded in the application.

20. Bypassing applications and Sensitive Lettings – Exceptional Circumstances

20.1 Bypassing applications

Where we don't make an offer of housing to the first or next person on the housing shortlist for a property that's available to let, we call this “bypassing”. When a property becomes available for offer, we have to decide who would benefit most from the property. For example, if a property adapted for the needs of a wheelchair user is available to let but the next person on the list doesn't need a wheelchair, we would bypass that person. We would continue to bypass applications until we found someone with a need for the property which ensures that we “make best use of housing that becomes available for rent” in order to meet our policy objectives.

Whenever we bypass an application, we must record why the application was bypassed. This helps to ensure our policy is transparent, we have acted fairly and are responsible for the decisions we make. Any decision to bypass must be based on housing need and our policy intention of ensuring the best use is made of the housing stock. A clear audit of these situations will be recorded in our selection process.

20.2 Sensitive Lettings

Allocations are normally made to the applicant with the highest points total from a particular list. Where more than one application has the same points total, the applicant who has been in housing need for the longest period will usually be allocated the vacant property.

It is important to match a property to an applicant which will achieve the best options for a sustainable tenancy and take account the potential impact on existing tenants. This is achieved by considering all the circumstances in order to achieve a positive experience for existing tenants and the new tenant. One example may be that a young person moving into a predominately older population block may sometimes lead to housing management problems for either groupings, but this is not always the case. Allocations of this nature will be well documented and a clear audit trail demonstrated.

21. Local Lettings Initiatives, Demolition, Refurbishment and Decanting Requirements

21.1 Local Lettings Initiatives

House types and sizes, and the location of our homes can affect the demand for housing. Sometimes we will need to make an extra effort to encourage applicants to move to a local area, or a particular property type. To achieve this, sometimes we may use the way we allocate our homes to support local investment, community sustainability and regeneration plans or to make sure we have a good mix of different household types and ages.

To achieve this we may introduce a Local Lettings Initiative to address a specific issue within one of our areas or stock types, e.g.:-

- low demand properties, we may wish to relax the bedroom criteria in order to allow applicants to occupy larger properties
- in flatted accommodation, we may wish to reduce the number of households with children occupying properties in order to create a balanced mix of households
- for new build accommodation, we may wish to give priority to local applicants who live in properties due for reconfiguration, regeneration or demolition
- in areas where there are significant issues and concerns with anti-social behaviour.

To introduce a local lettings initiative, the Association will consider the evidence that has informed the proposal, and the proposed aims and objectives. We will make a decision about whether to introduce a Local Lettings Initiative in order to make sure the overall aims and objectives of the Allocation Policy are not negatively affected by it. We will publicise any lettings initiative we introduce.

21.2 Demolition, Refurbishment, Priority Re-Housing and Decanting Requirements

There will be times where the Association require to accommodate tenants in alternative accommodation to carry out major works, manage a serious neighbourhood issue, and assist in an emergency situation or to carry out regeneration works. On these occasions the Association will use available stock at the time it is required to assist in these situations as they arise. Any decant will be managed with the provisions of the Associations decant policy.

Priority in this policy will be given to Association tenants who need to be permanently rehoused in order to progress any of the Association's redevelopment programmes. This would apply when the Association plan to demolish or fully refurbish or remodel any of its stock or facilitate a new build development programme. This policy provision may apply to redevelopment programmes carried out by the Association or any of its approved partners.

Where the Association is required to make offers of re-housing in this category, households will be matched to vacant properties in relation to their current housing need. For example, we will ensure that the property has an adequate number of rooms/bed spaces and that any medical needs are met for the current household.

22. Caledonia Housing Association Homes

Caledonia Housing Association may from time to time develop homes in Bellsmyre, and other areas of West Dunbartonshire which Bellsmyre Housing Association may manage on their behalf. This management arrangement may include Bellsmyre Housing Association allocating these properties on behalf of Caledonia Housing Association through a Service Level Agreement.

Caledonia Housing Association properties may be allocated in the same way as Bellsmyre properties and when this is the case, this policy will apply to those allocations. The lets will be managed as per the quotas and the other provisions of this policy. Where there is funding, planning or development requirements for specific new build sites/properties, these requirements will supersede the quotas in this policy.

Applicants will be selected from Bellsmyre lists in exactly the same way as applicants for Bellsmyre's housing stock, unless there are specific funding requirements associated with the new homes.

Once selection is completed, an offer for a Caledonia Housing Association property will be made to the successful applicant by Caledonia Housing Association.

23. Audits and Scottish Housing Regulator

Audits

The Association records an audit trail of all allocations to demonstrate that decision-making and practice is fair and consistent in line with the Allocations Policy, including any discretionary elements in the policy. Audit trails are subject to checking by the Area Housing Manager, with periodic checking by the internal auditor and may be examined by the Regulator if the Association's allocation process is included in an Inspection.

The Scottish Housing Regulator

The Scottish Housing Regulator (SHR) is the independent regulator of registered social landlords and local authority housing services in Scotland.

The SHR has a legal responsibility to: "safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by registered social landlords (RSLs) and local authorities".

The SHR monitors how well the partners are delivering their housing services, managing their finances and performing good standards of governance. If needed, the SHR will intervene to make improvements where there is evidence that this is needed.

The Association provides evidence each year that our performance meets the standards set out by the SHR in the Scottish Social Housing Charter. This means that the SHR will monitor, assess, compare and report on the performance of the Association in relation to:-

- how easy we make it for you to apply for housing
- how well we communicate with you and give you advice
- how well we manage our Housing Register

24. Appeals and Complaints

24.1 Appeals

We will always try our best to give you an excellent service, but we know sometimes things go wrong and you might want to appeal against decisions that we make about your housing application.

If you are unhappy about any decision we have made on your application, you can appeal:

- the points we award your application
- a decision to suspend you from receiving offers
- a decision to cancel your application
- any decision we make which you believe has not been dealt with in accordance with the Allocation Policy

There are two stages to this appeal process as follows:

Stage 1

You can appeal our decision by writing to us, or verbally, to the Housing Officer.

For example, if you do not agree with the points we have given you, you should first contact the Housing Officer who assessed your application and ask them to reassess your case and on what grounds you wish to have your case reviewed.

We will do this within five working days.

Stage 2

If you remain dissatisfied with the decision, a written appeal can then be lodged with the Area Housing Manager who will review the decisions made.

The Area Housing Manager will review your appeal within five working days so long as you have provided us with all the information we need.

There is no further right of appeal.

24.2 Complaints

If you are dissatisfied with the level of service you have received from us e.g. regarding the actual allocation of a property or not meeting our published service standards, the Association has a complaints procedure that is simple and easy to use.

Copies of the Complaints Policy and Procedure are available on request from the office or can be downloaded from our website.

You can contact us to ask for a copy of our complaints procedure. If the complaint is about the way in which your application has been registered or anything that is directly associated with your housing application process you can complain to us by:

- Completing a complaints enquiry form
- Telephoning us on 01389 765 179
- Emailing us at: info@Bellsmyrehousing.ork.uk
- Writing to us at: 16 Merkins Avenue, Bellsmyre, Dumbarton, G82 3EB
- Or visiting our office: 16 Merkins Avenue, Bellsmyre, Dumbarton, G82 3EB

Succession and Assignment Policy

1. Introduction

The following policy is the Association's policy on succeeding to a tenancy or assigning it to another person. The main objective of the policy is to ensure that qualifying partners or other people living with a tenant prior to their death or moving out are able to continue living in the property as the tenant.

This policy applies to all assignment and succession requests and will be implemented in terms of the provisions of the Housing Scotland Act 2001 until such times when the new provisions of Housing (Scotland) Act 2014 take effect and is announced by the Scottish Government and those provisions outlined below will apply to all applications for succession and assignment.

2. Assignment

Assignment to a tenancy occurs when the current tenant wishes to give the tenancy up and someone already living in the property wishes to become the new tenant and they are entitled to do so. There are conditions and qualifying periods that are required to be met before an assignment can be approved.

The Association will only refuse a request to assign a tenancy if there are reasonable grounds to do so.

3. Legal Framework - Assignment

Section 32(1) of the 2001 Act allows a Scottish Secure tenant to assign their tenancy to another person living in the property when certain conditions are met.

Section 12(2) of the Housing (Scotland) Act 2014 makes the following changes to the 2001 Act;

- Before a tenant can assign their home to someone else they must apply in writing to the Association for written permission to do so and get the Association's written consent; and
- The house must have been the tenants only or principal home during the 12 months immediately before the tenant applies for written permission to pass their tenancy to someone else; and
- The person the tenant wishes to pass their tenancy to must have lived at the property as their only or principal home for the 12 months before they apply; and
- The tenant, joint tenant, or person they wish to assign their tenancy to must have notified the landlord that the person they wish to assign the tenancy to is living in the house. The 12-month period does not start unless the landlord has been notified that the person is living in the property as their only or principal home.

Tenants can notify the Association in writing by letter or e-mail and should receive written confirmation back. Without our written confirmation that we have received and

approved or rejected your request, an assignation will not proceed. You should address your notification request to your Housing Officer.

4. Succession

Succession to a tenancy occurs following the death of a tenant when someone already living in the property wishes to become the new tenant and they are entitled to do so. Only “qualifying persons” can succeed the tenancy.

There are conditions and qualifying time periods required before a succession can be approved. There is no qualifying time period for the tenant’s spouse, civil partner or joint tenant provided (in all cases) that the person’s only or principal home was the house in question at the time of the tenant’s death. Other persons or partners who are not “spouse, civil partner or joint tenant” require to meet qualifying conditions set out below.

5. Legal Framework - Succession

Provision for a qualifying person to succeed a Scottish Secure Tenancy is outlined in Section 22 of the Housing (Scotland) Act 2001. A tenancy can only be succeeded twice; in line with the Section 22(4) of the 2001 Act, the tenancy is terminated on the death of the second qualified person to succeed that tenancy.

Section 13 of the Housing (Scotland) Act 2014 amends schedule 3 to the Housing (Scotland) Act 2001. It introduces a new 12 month qualifying period and notification requirements before certain categories of persons become “qualified persons” and have the right to succeed to a Scottish Secure tenancy on the death of the tenant.

- There is no qualifying period for the tenant’s spouse, civil partner or joint tenant provided (in all cases) that the person’s only or principal home was the house in question at the time of the tenant’s death.

A person falling within the following categories are qualified persons where the house has been their only principal home throughout the 12 months ending in the tenant’s death:

- Partners (cohabitants of either sex and including same sex cohabitants);
- Members of the tenants family aged 16 or over; and
- Carers aged 16 or over who have given up a previous only or principal home.

To have the right to succeed to a tenancy after living in the house for 12 months, the “qualifying person” or the tenant must also have notified the Association that the person wishing to succeed to the tenancy is living in the house and that the house is that person’s only or principal home. The 12 month qualifying period does not start until that notice has been given. The tenant (or any one of joint tenants) or the person who has moved into the house are responsible for notifying the Association that the person has moved in.

Tenants can notify the Association in writing by letter or e-mail and should receive written confirmation back. You should address your notification request to your Housing Officer. Without our written confirmation that we have received and approved or rejected your request, a succession will not proceed.

Landlords have no discretion to grant a succession to a tenancy and are required to comply with the law on this matter. Should exceptional circumstances become

apparent, then these will be considered under other provisions of the Associations Allocations Policy.

It should be noted that succession and assignation as described above does not apply where the tenancy is a Short Scottish Secure Tenancy (SSST).

6. Repairs and Maintenance Responsibilities

When a Bellsmyre tenancy has been succeeded or assigned, the Association will not be responsible for carrying out any repairs that were the previous tenant's responsibility nor the decoration of the property. Similarly, the re-let standard will not apply.

Once the new tenant has formally become the new tenant, the Association will carry out responsive repairs that are the landlord's responsibility in the normal way.

7. Review of the Succession and Assignation Policy

The Association will review its policy on succession and assignation every three years to ensure that it continues to meet the Association's aims and objectives. The policy may be reviewed at any time in response to legislative, regulatory or best practice requirements.

Subletting Policy

1. Introduction

This policy is the Association's policy on when a tenant wishes to sublet their property to another person. The main objective of the policy is to allow a tenant to retain their tenancy if they are going to be absent from the local area for a period of up to one year, for example temporarily working away from home.

During any period of sublet, it is the tenant who is legally responsible for ensuring that the rent is paid timeously and that all other tenancy conditions are met including any unpaid charges owed to the Association incurred whilst the sublet arrangement was in place, this includes for example, rechargeable repairs. This means that the tenancy could be jeopardised by the actions of the sub-tenant even if the tenant was unaware of the breach.

This policy applies to all subletting requests and will be implemented in terms of the provisions of the Housing Scotland Act 2001 until such times when the new provisions of Housing (Scotland) Act 2014 take effect and is announced by the Scottish Government and those provisions outlined below will apply to all applications for subletting.

Before a tenant can sublet all or part of their home they must apply in writing to the Association for written permission and get the Associations written consent. There are no residency conditions for the person that wants to live in the property as a sub-tenant. You should address your request to your Housing Officer.

2. Legal Framework

Section 32(1) of the 2001 Act allows a Scottish Secure tenant to sub-let their tenancy to another person only if the Association agrees to this in writing.

Section 12(2) of the Housing (Scotland) Act 2014 makes the following changes to the 2001 Act;

- The tenant must have been the tenant of the house throughout the 12 months immediately before they apply for written permission to sublet their home; or
- If they were not the tenant throughout that period, the house must have been their only or principal home during those 12 months; and the person who was the tenant at that time must have notified the association that the person who is now the tenant was living there. The 12 month period does not start until the Association has been notified. An example of this could be where the tenant was not the tenant throughout the 12 months but has during this period succeeded the tenancy and immediately wants to sublet it.

It should be noted that sub-letting as described above does not apply where the tenancy is a Short Scottish Secure Tenancy (SSST).

3. The Association's Consent to Subletting

Tenants can apply to the Association in writing by letter or e-mail and should receive written confirmation back. Without our written confirmation that we have received and approved or rejected your request, a sublet will not proceed.

The Association will normally agree to a tenant sub-letting their tenancy so long as all of the undernoted criteria are met:

- the period of the sublet is less than a year
- there would be no resultant over-crowding by the sub-tenant's household
- the rent that the tenant proposes to charge the sub-tenant is reasonable and any deposit being charged is returnable
- the tenant is intending to provide a written agreement outlining the tenant's, the sub-tenant's and the Association's rights and responsibilities

It is important that anyone moving into one of the Association's properties as a sub-tenant has a written agreement so that they can be clear on their rights and responsibilities. This is particularly useful in outlining their status as a sub-tenant and to clarify that they will not be able to take over the tenancy in the event the tenant decides not to move back in. We therefore require to see a copy of the proposed agreement prior to granting consent.

The Association will only consider extending the sub-letting period beyond a year in exceptional circumstances and for a limited period only.

4. Repairs and Maintenance Responsibilities

The Association will carry out repairs as normal when a property has been sub-let. Any rechargeable repairs should be paid by the sub-tenant and, in line with our policy on rechargeable repairs, the Association will attempt to secure payment in advance unless the repair is an emergency.

Notwithstanding the above, the tenant will be ultimately responsible for any rechargeable repairs debt at the end of the sub-let period.

5. Review of the Subletting Policy

The Association will review its policy on sub-letting every three years to ensure that it continues to meet the Association's aims and objectives. The policy may be reviewed at any time in response to legislative, regulatory or best practice requirements.