

# **Highland Housing Register Allocations Policy**

**April 2014**

<b>Change Control</b>			
August 2011	Section 6.3	Updated to reflect change in homelessness policy agreed HSW June 2011	LK
April 2013	Section 3.1	Giving more detail on Housing Options	CM
April 2013	Section 3.3	Updated with preferred scheme – “House Exchange”	CM
April 2013	Section 3.6	Updated to reflect new approach on Downsizing	CM
April 2013	Section 4.3	Updated to reflect we now request proof of circumstances	CM
April 2013	Section 4.8	Updated to reflect that applications will be cancelled when moved address	CM
April 2013	Section 5.3	Updated to reflect that there are differences between our criteria and DWP for property sizes	CM
April 2013	Section 5.4	Added in section on sheltered and amenity housing	CM
April 2013	Section 5.5	Updated information on Homeless Prevention Team and removed reference to priority need with Priority \need being abolished on 31 December 2012	CM
April 2013	Section 5.9	Updated to show differences in bedroom criteria. And changes accepted by FHR Committee in January; increased points, additional points for extreme overcrowding and reduction for access to children overcrowding	CM
April 2013	Section 5.10	Updated to reflect changes accepted by FHR Committee in January; additional points to transfer applicants affected by the “Bedroom Tax”	CM
April 2013	Section 5.14	Updated to reflect changes accepted by FHR Committee in January; reduced to 3 categories and points changed	CM
April 2013	Section 5.16	Updated the summary of points categories following changes being accepted by FHR committee in January	CM
April 2013	Section 6.3	Updated to reflect changes in points accepted by FHR Committee in January	CM
Jan 2014	Section 4.6	Updated to reflect new process	CM
Mar 2014	Section 6.4	Updated wording and added new section in	CM

Section		page
<b>1. Introduction &amp; Policy Context</b>		
1.1	Highland Housing Register	4
1.2	Strategic Context	4
1.3	Allocations Policy statement	4
1.4	Allocations Principles	5
1.5	Aims of the Allocations Policy	5-6
1.6	Confidentiality	6-7
1.7	Information and Advice	7
<b>2. Legal &amp; Regulatory Requirements</b>		
2.1	Legal Requirements	8
2.2	Regulatory standards	8
2.3	Factors which cannot be taken into account	8-9
2.4	Residence Factors	9
2.5	Non UK Nationals	9
2.6	Tenancies to Staff/Committee members/Councillors and their relatives	9-10
<b>3. Housing Options</b>		
3.1	Housing Options	11
3.2	Mutual Exchanges	11
3.3	Homeswapper	11
3.4	Nominations Agreements	12
3.5	Section 5 Referrals	12
3.6	Downsizing Scheme	12
<b>4. Applying for Housing</b>		
4.1	Access to the Housing List	13
4.2	Where you want to be housed	13
4.3	Application checking	13-14
4.4	Tenancy References	14
4.5	Suspensions	14-15
4.6	Anti-Social Behaviour	15
4.7	Review of Applications	15
4.8	Cancelled Applications	15
<b>5. Housing Need Categories and Priorities</b>		
5.1	Assessing Housing Need	16
5.2	Housing Support	16
5.3	Property Type and Size	16-17
5.4	Sheltered and Amenity Housing	17
5.5	Homelessness	17-18
5.6	Insecurity of Tenure	19
5.7	Sharing Facilities	19
5.8	Poor Housing Condition	19-21
5.9	Overcrowding	21
5.10	Underoccupation	22
5.11	Care & Support	22-23
5.12	Need to Reside	23
5.14	Two Households for One	23
5.15	Accessible Housing	23-24
5.16	Special Allocations Status	24
5.17	Summary of Housing Need Categories and Points	25
<b>6. Allocation of Housing</b>		
6.1	How houses are allocated	26
6.2	By-passing applications	26
6.3	Offers and Refusals	26-27
6.4	Sensitive Lettings	27-29
<b>7. Special Lettings Plans</b>		
7.1	Eligibility for a Special Lettings Plan	30
7.2	Housing Applications for designated Special Lettings Plans	30
7.3	Allocations Quotas in Special Lettings Plans	30-31
7.4	Special Lettings Plans – General	31
<b>8. Monitoring</b>		
		32
<b>9. Appeals &amp; Complaints</b>		
		33
<b>10. Contact Information</b>		
		34

## Section 1: Introduction and Policy Context

### 1.1 Highland Housing Register

This is the Allocations Policy for Highland Housing Register (HHR).  
It sets out:

- 1) How to apply for social housing from any of the **partner** landlords. (section 4)
- 2) How your application for housing will be assessed by all of the **partner** landlords. (section 5)
- 3) How the **partner** landlords will allocate empty houses. (section 6)

The Highland Housing Register **Partner** landlords are:

- 1) The Highland Council
- 2) Albyn Housing Society Ltd,
- 3) Cairn Housing Association Ltd,
- 4) Lochaber Housing Association Ltd,
- 5) Lochalsh and Skye Housing Association Ltd,
- 6) Pentland Housing Association Ltd and

There are other social housing providers in Highland who operate their own separate housing registers for allocating their own empty houses. The Highland Housing Register partners will cooperate with these **participant** landlords and use the Highland Housing Register to select applicants when requested to do so in terms of any nominations arrangement.

The Highland Housing Register **Participant** landlords are:

- Hanover Housing Association Ltd,
- Key Housing Association Ltd,
- Link Housing Association Ltd,
- Blackwood Homes
- Trust Housing Association Ltd.

### 1.2 Strategic Context

This Allocations Policy is linked to and is in support of a range of other strategies. This includes the Homelessness Strategy, Highland Housing Strategy, the Anti-social Behaviour Strategy, and Joint Community Care Strategy.

### 1.3 Allocations Policy Statement

The purpose of this Allocations Policy is to define a consistent needs based approach to allocate social housing becoming available in Highland for rent.

It is also intended that the Highland wide monitoring information available from Highland Housing Register will be of value in helping to identify housing investment priorities.

## 1.4 Allocations Principles

The Highland Housing Register partners agree to be guided by the following principles:

**Consistency:** This Allocations Policy will be delivered fairly and consistently across the partner landlords in all areas of the Highland.

**Openness:** This Allocations Policy and details of how it operates will be freely available. Details of the turnover of social housing across the partners will also be freely available to help applicants make informed choices and to ensure HHR does not raise unrealistic expectations.

**Legality:** This Allocations Policy will be compliant with relevant legislation including the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001 and the Homelessness Etc (Scotland) Act 2003.

**Equal opportunities:** It is intended that no applicant is treated unfairly for any reason, either because of their race, colour, ethnic background, religion, class, sex, age, disability, mental health, sexuality or family circumstances. We will undertake and report ethnic monitoring and respond to any emerging issues. The Allocations Policy will be subject to an Equality Impact Assessment.

**Accountability:** Decisions and actions are required to be accountable, transparent and open.

**Confidentiality:** The landlords who are partners in the HHR are registered under the Data Protection Act 1998 and are duty bound to comply with the conditions set out in this legislation now and in the future. Personal details of individual applicants will not be released to anyone other than the applicant or any advocate for whom the applicant has provided consent for disclosure.

## 1.5 Aims of the Allocations Policy

The 9 key aims of the Highland Housing Register are:

- 1. To provide housing to those in the greatest need, dependant on individual circumstances.**  
The Highland Housing Register is a needs based system. Applicants will have their individual housing need assessed according to the Housing Need Categories and Priorities set out in this Policy and allocations will be made on the basis of housing need.
- 2. To help to prevent and deal with homelessness.**  
The Highland Housing Register supports delivery of Highland's Homelessness Strategy and Homelessness Policy.
- 3. To help create and maintain strong and economically viable communities.**  
The Highland Housing Register will use Special Lettings Plans where appropriate to help sustain communities with small populations and housing pressure.

4. **To work with our partner HHR landlords to provide suitable housing for those with special needs.**  
The Highland Housing Register partners will work together to maximise housing options for people with different needs including planning for future provision of unmet needs.
5. **To make the best use of the housing available.**  
The Highland Housing Register partners will develop and implement a downsizing scheme for tenants who are in homes too large for their needs, where there is a high demand for family houses. Highland Housing Register partners will allocate houses according to the property size eligibility detailed in section 5.3.
6. **To give applicants a range of choices of housing.**  
The Highland Housing Register provides applicants with the opportunity to choose from a variety of house types across the 6 partner landlords operating in the Highland.
7. **To help applicants move within the Highland area, and from other parts of the UK.**  
The Highland Housing Register makes applying for housing in Highland simpler.
8. **To monitor performance and respond to changing patterns of needs by regularly reviewing this allocations policy.**  
The Highland Housing Register will undertake monthly and annual monitoring to identify where policy and practice may need to be reviewed.
9. **To inform the Highland Council's planning processes.**  
The monitoring information will be used to influence investment priorities in the Highland Housing Strategy.

## **1.6 Confidentiality**

The Highland Housing Register landlords will process the information contained in your application form and any other relevant information they obtain in connection with your application in a number of ways:

- They will process the information for the purpose of your application for housing.
- They may also use this information to provide anonymous statistical data to their Committees, Boards of Management, the Scottish Government and other interested Parties.
- In addition, if you are successfully housed by one of the HHR landlords, that landlord will retain your information in your tenancy file. You have the right to see any details held in your personal files, on request. There may be a charge for this.

- By signing the application form, you give consent to the HHR landlords processing the information in this way.

## **1.7 Information and advice**

A free copy of this full policy will be made available to anyone who asks for it. We will also make a shorter version of it available in appropriate formats, including on the website of Highland Housing Register landlords and as a leaflet. We will make the policy available in other languages and formats (such as in Braille, in larger font or on audio tape) if requested.

Highland Housing Register will treat all applicants sensitively and fairly. You can ask to meet a member of staff to discuss your housing application at any time. You can ask for information, advice and support with your housing options at any time. If you want, you can have a relative, friend or adviser with you at the meeting. Meetings will be held in private rooms whenever possible and all information will be kept confidential.

We will provide free information and advice on housing options in the Highland area, and will help you get access to independent advice and information.

## Section 2: Legal and Regulatory Requirements

### 2.1 Legal Requirements

This Allocations Policy has been developed with respect to the legal requirements of the Housing (Scotland) Act 2001.

As a needs-based system the Highland Housing Register will give reasonable preference to households who:

- are homeless, or threatened with becoming homeless;
- are living in homes that are in poor condition;
- are living in homes that are overcrowded;
- have large families; or
- are living in housing conditions that are not satisfactory.

The categories of housing need in section 5 are based on these types of circumstances.

### 2.2 Regulatory standards

This Allocations Policy has been developed with respect to wider good practice standards and the following 2 regulatory activity standards:

**Access to Housing:** We make sure that people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing. (Activity Standard 1.1)

**Lettings:** We let houses in a way that gives reasonable preference to those in housing need; makes best use of available stock; maximises choice; and helps to sustain communities. (Activity Standard 1.2)

### 2.3 Factors which cannot be taken into account

The law requires the Highland Housing Register to ignore certain factors when **selecting** tenants for empty houses. These are:

1. How long you have lived in the area.
2. Any debts (such as rent arrears) from a property of which you were not the tenant.
3. Any debts you had owed from a previous tenancy, but which you have now paid off.
4. Any debts you still owe where:
  - the amount you owe is less than 1/12th of the amount you had to pay over a full year for the tenancy; or
  - you have agreed arrangements with the landlord for paying off the debt and have kept to these arrangements for at least three months.

5. Any debts (including Council Tax arrears), owed by you or anyone who is going to live with you, which do not relate to the tenancy of a home (including any previous tenancy).
6. Your age (as long as you are 16 or over), unless the tenancy is for a home that:
  - has been designed or adapted for people of a particular age group; or
  - is for people who are or will be getting housing support services for a particular age group.
7. Your and your family's income.
8. Whether you or any member of your household owns or has owned any property that can be inherited, regardless of its value.

## **2.4 Residence Factors**

The law also requires that when **selecting** a tenant the Highland Housing Register cannot take account of whether an applicant is living in Highland if the applicant:

- works, or has been offered a job in the area
- wants to move into the area to find a job and Highland Housing Register is satisfied of this intention
- wants to move into an area to be near a relative or carer
- has a special social or medical reason for needing to live in the area
- wishes to move into the area to escape harassment
- wants to move into the area to escape the risk of domestic violence

## **2.5 Non UK Nationals and Access to Social Housing**

The rights of non-UK nationals to housing and homelessness provisions are a complex area. Staff can advise applicants on individual cases.

Legislation includes the following categories as eligible for allocation:

- anyone granted refugee status
- anyone granted exceptional leave to remain
- anyone granted indefinite leave to remain
- anyone who is a national of an EU country who is employed and registers with the workers registration scheme or has the right to reside in the UK, or who is normally resident.

## **2.6 Tenancies to Staff/Committee members/Councillors and their relatives**

Special rules apply if you or anyone you live with is a close relative of someone who is or has been at any time in the last 12 months:

- a member of staff of any of the Highland Housing Register partners
- a member of the management committee or a Highland Councillor

In these cases applicants must declare their interest on the housing application form.

Where the connection is to the Highland Council, any offer must be approved by the Director of Housing and Property. Where the connection is to a partner landlord, any offer must be approved through the relevant Management Committee.

A close relative is defined as a direct relative by blood or marriage (including step relatives), for example, your son or daughter (including adopted children), mother or father, brother or sister, grandparent, grandchild, husband/wife or partner (either sex).

## Section 3: Housing Options

### 3.1 Housing Options

The Highland Housing Register application form contains questions relating to income and employment (no 13, page 16). This information will be used to help us offer advice on other housing options which may be available to meet your housing needs.

The Highland Council have produced a housing options manual, '**Finding Housing in the Highlands**' which gives more information about other housing options in Highland. This includes details of where to access information about the private rented sector or specialist housing organisations or providers. This is available on the Highland Council's website:

<http://www.highland.gov.uk/livinghere/housing/findinghousing/aguidetohousing/options/>

and also at your local housing office or Council Service Point.

**Finding Housing in Highlands** includes information about types of housing option in Highland such as:

- Low Cost Home Ownership
- Highland Rent Deposit Guarantee Scheme
- Private renting in Highland
- Rural Home Ownership Grants
- Rent to Buy schemes
- Mid-Market Rents
- Adaptions to current property
- Repair work to current property

### 3.2 Mutual Exchanges

Applicants who are social housing tenants of any Registered Social Landlord can apply to exchange homes through the HHR partner's independent mutual exchange schemes where they meet the eligibility criteria.

### 3.3 National Exchange Schemes

Applicants who are social housing tenants can also register with national schemes. Highland Housing Register partners are members of "House Exchange" which is free to register for tenants of HHR landlords. This scheme allows tenants to exchange in the Highland and other geographic areas. You can get more information about this scheme and other mutual exchange schemes at:

- <http://www.houseexchange.org.uk/>
- <http://www.homeswapper.co.uk/>
- or from staff in any of the HHR offices.

### **3.4 Nomination Agreements**

Highland Council has nomination agreements with Registered Social Landlords who have housing stock in Highland but who are not partners of Highland Housing Register. These landlords are the **participant** landlords noted in section 1.1 of this policy.

This agreement allows the Highland Council to nominate applicants from the Highland Housing Register for a percentage of the empty houses becoming available. This is usually 50%.

Nominations are selected on the basis of housing need as with the general provisions of this Allocations Policy. Participant Landlords will then assess applications and make offers based on their own separately available assessment system.

### **3.5 Section 5 Referrals**

Section 5 of the Housing (Scotland) Act 2001 provides a statutory mechanism for local authorities to refer applicants with a homeless priority need assessment to any Registered Social Landlord for allocation of any forthcoming empty houses.

It is recognised that the need for the Section 5 mechanism reduces within a common housing register such as Highland Housing Register where **partner** organisations have a shared policy commitment to prevent and help homelessness and are allocating empty properties through a shared register.

Separate Guidance is available on Section 5 referrals covering timescales, good reason for refusal and other relevant issues.

Registered Social Landlords cannot refuse to re-house a person referred through section 5 unless there is a good reason as permitted by the section 5 of the Housing (Scotland) Act 2001.

### **3.6 Downsizing Scheme**

The landlords of the Highland Housing Register may be able to offer financial assistance in order to encourage tenants who are not of working age and are under-occupying their current tenancy, to move to a smaller house. Financial assistance will only be considered where the HHR Landlord considers that there is a genuine and urgent need for the larger property to meet another applicant's housing need, i.e. that the applicants' needs could not otherwise be met, and where there is a very low turnover / high demand for larger property in the letting area.

Information about the Downsizing Scheme is separately available on request.

## **Section 4: Applying for Housing**

### **4.1 Access to the Housing List**

The Highland Housing Register is an open access housing register. Applications can be accepted at any time from anyone providing they are aged 16 years or over unless they are persons from abroad who are subject to immigration control within the meaning of the 1996 Asylum and Immigration Act.

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

If you make a joint application your housing needs assessment will be based on the applicant who is living in the worst housing circumstances. We will normally offer a joint tenancy to joint applicants.

Tenants of the partner landlords will have their applications held on a Transfer List which forms part of the general housing register.

A quota is set each year to manage the number of allocations to transfers and applicants. The quota for 2013/2014 is 30% to transfers and 70% to applicants.

### **4.2 Where you want to be housed**

You can select up to 10 areas where you will accept housing. You can consult with Highland Housing Register staff for advice and information about the turnover of empty houses of the size and type you need in the areas you wish to live. This can help you make realistic choices.

Applicants with homeless priority need assessments can be offered housing in communities they have not selected where it is considered reasonable in terms of the homeless legislation and Homelessness Code of Guidance for that offer to be made.

In these circumstances up to 5 additional area selections may require to be included in an application to ensure that reasonable offers of housing can be achieved and to ensure that homeless households are prioritised appropriately in terms of a reasonable permanent housing outcome.

We also ask you to rank the areas you would prefer to live. This is to help us understand and plan for future housing provision.

### **4.3 Application checking and verification**

All reasonable enquiries will be made to check your household's circumstances. This may include home visits. We will always make these enquiries in a sensitive and appropriate way. If we receive clear evidence that a particular allocation is unsuitable or inappropriate, we reserve the right to bypass your application and record the reason for this. To help to clarify household circumstances you are required to provide proof of your

circumstances. Details of what type of proof we require are listed in the Highland Housing Application Guide booklet.

#### **4.4 Tenancy References**

##### **Current and Former Tenancies**

If you or your joint applicant currently has a social rented tenancy (or has had a social rented tenancy within the last five years), we will ask for a reference from your current or former landlord specifically about:

- your rent account history
- the condition of the property
- anti-social behaviour
- general housing management issues

If a reference is not satisfactory we will tell you about how this may affect your application.

If you are a tenant and your landlord's reference says that you are not keeping your current home and garden in a reasonable condition, we may suspend your application until you tell us that you have brought your property up to a reasonable standard and your landlord confirms this.

##### **Tenants of HHR partners**

If you are a tenant of any of the HHR landlords and you want to transfer to a property with the same or any other HHR landlord, we will make the same enquiries to your landlord and inspect your current home and garden before we make you an offer.

If your property is not in a reasonable condition or there are other issues with the tenancy, such as outstanding rent arrears (unless your arrears are less than a month's rent or there is an agreed and appropriate repayment plan and you have kept to this for a minimum of 3 months) we will not normally offer you a transfer.

We will not consider you for a further offer until your landlord confirms that an offer can be made.

#### **4.5 Suspensions**

We may suspend your application if you:

- have rent arrears or other debts which you still owe and have failed to maintain an arrangement to repay
- are an existing tenant of any other provider of public housing and you have not kept your house and garden in a reasonable condition
- are a tenant of one of the HHR landlords and are applying for a transfer and you have not kept your house and garden in a reasonable condition
- have a history of antisocial behaviour
- have provided false or misleading information
- have refused a second reasonable offer of housing

If we suspend your application you will not be offered a tenancy for the period of the suspension unless your household's needs outweigh the other issues. Suspensions will normally last for six months and will be subject to review within this timescale. We will tell you the reasons for the suspension in writing and give you advice about other possible sources of housing. We will also tell you about your right to appeal our decision.

If we think you have given false or misleading information, your application will be suspended while we make investigations. If this investigation determines that you knowingly gave false or misleading information, we will require you to make a new application based on your true circumstances. We will give you written details of why we have taken this decision, and of your right to appeal against our decision.

If you have already been given a tenancy, and the false or misleading information affected the decision to offer the tenancy, the relevant HHR landlord may take legal action to recover the tenancy.

#### **4.6 Anti-Social Behaviour**

##### **Applications**

We may suspend your application for up to six months if, following investigation, there is clear evidence of antisocial behaviour by you, anyone living with you or visiting you, or if there is clear evidence that you, anyone living with you or visiting you has been subject to legal action in relation to antisocial behaviour (usually within the last three years).

This is further explained in section 6.4 Sensitive Lettings.

#### **4.7 Review of Applications**

Every year we will write to you to ask you to confirm whether or not you want to stay on the housing register. When we write to you we will tell you what we know about your housing circumstances and housing needs and priority points.

You must let us know of any changes that may affect your assessment and confirm that you want to remain on the register.

#### **4.8 Cancelled Applications**

If we do not hear from you after we have sent our annual review letter, we will send you one final reminder letter. If we do not get a response to that letter we will cancel your application.

We will also cancel an application if you have moved address as your points are related to your current accommodation.

You can apply to go on the housing list again at any time and we will consider your new application based on your current housing circumstances.

You can also request to cancel your housing application at any other time. We will write to you to confirm that we have cancelled your application.

## **Section 5: Housing Need Categories and Priorities**

### **5.1 Assessing Housing Need**

We will assess everyone's housing need according to their individual housing circumstances and award priority based on the Housing Need Categories and Priorities detailed later in this section.

In this way we can treat everyone's application consistently and fairly.

### **5.2 Housing Support**

Housing support needs will be assessed by appropriately trained members of staff and support plans produced where appropriate.

Housing Support services are available to a range of vulnerable people in permanent, temporary or interim accommodation and are aimed at sustainable solutions, preventing homelessness or repeat homelessness.

#### **Interim Accommodation**

Where an applicant has an assessed need for support to develop skills which will help sustain a future tenancy, any accommodation provided by the Local Authority may be designated 'interim accommodation' for the purpose of providing support which will enable applicants to sustain a tenancy in the long term.

This status will be reviewed as part of a support review process and any offers of permanent housing will require evidence that support needs have been adequately met and there is potential for a tenancy to be sustained.

### **5.3 Property Type and Size**

We will not normally offer you a home in which you will have more than one extra bedroom.

We will not normally offer you a home that would result in you being overcrowded unless you have agreed to accept a smaller sized property because this would result in an improvement to your existing circumstances **and** there is no anticipated turnover of the property size you actually need.

Where there are a limited number of one-bedroom properties in an area, single people or couples will be considered for two-bedroom properties on an equal basis as those with a 2 bed need.

Please note that you could be affected by the "Bedroom Tax" which is part of the new Welfare Reforms which came into place in April 2013. This is because the bedroom criteria for Housing Benefit differ from our policy. Both criteria are listed in section 5.8 – Overcrowding.

We will normally give preference to applicants who have a need for any special facilities or features that the property provides. For example, suitably

sized level access or ground floor accommodation, with walk in showers, will be allocated to people who have need for these property features.

Where an assessment of your needs indicates a need for a particular type of housing you will only be offered housing of this type or housing which can be suitably adapted.

In certain circumstances we may ask an occupational therapist or another specialist to assess if the property we are thinking of offering you is suitable for your needs.

Where a parent or guardian has residential access to a child or children for more than 50% of the week such that there is effectively shared residency of that child or children, they will be eligible for a separate bedroom for that child or children. Otherwise, the child is assumed to be adequately housed by the primary carer.

#### **5.4 Sheltered and Amenity Housing**

Sheltered Housing is accommodation available for people who meet specific qualifying criteria, namely;

- People who are aged over 60 years who need and/or accept the need for the telecare & warden services, OR
- People who are assessed as needing the telecare and warden service: whether people with a disability, low level needs, or other community care needs which can be adequately met by telecare and a warden housing support service.

Amenity housing is mainly for people aged 50 or over; or who have a medical need or physical disability, which requires the provision of amenity standard accommodation.

You would not normally be made an offer of Sheltered or Amenity Housing unless you met the criteria.

#### **5.5 Homelessness**

The Homeless Prevention Team offer advice to anyone who is experiencing housing difficulties which mean that they are threatened with the loss of their home or may become homeless.

Homelessness assessments are undertaken by Highland Council staff as Highland Council is the only partner with legal responsibility for homeless assessments.

The law says that some people must be given settled accommodation because they are Homeless through no fault of their own **and** have a local connection to the Highland area.

There are a range of different assessment outcomes which impact the level of priority awarded to an application:

##### **1. Homelessness / Potentially Homeless**

Applicants who are assessed as eligible for priority under this category are not able to unreasonably restrict their 10 selected areas, but where they do so may have additional areas included in their application where it is considered reasonable to do so. See also section 4.2 of this policy.

**A Homeless**

If your application has been assessed as homeless, and unintentionally homeless, you will be awarded **70 points**

**B Potentially homeless**

If it has been assessed that you are likely to become Homeless within the next two months and unintentionally so, you will be awarded **50 points**.

Applicants with **Homeless** or **Potentially Homeless** points are **not eligible** for certain other housing need points such as **overcrowding** or **sharing** points or **poor housing condition** or **accessible housing** points. This is because the high level of housing need is already reflected in the homelessness points awarded.

Applicants with Homeless or Potentially Homeless points do continue to be eligible for “personal housing need points” where they have an assessed need. i.e. points that are awarded for personal needs, e.g. accessible housing or care and support points.

**C Points to reflect Intentionality and/or no Local Connection**

When assessed as intentionally homeless or where no local connection to the Highland area exists you will be awarded **20 points**.

**D Time spent in temporary accommodation**

If you are awarded the 70 homeless points and the Council has arranged temporary accommodation for you or you have been given the status of ‘**homeless at home**’ or you have been assessed to require ‘**interim accommodation**’, you will receive **2 additional points** each full month you spend in this situation.

‘**Homeless at home**’ status applies to households who:

- share facilities with another household
- are overcrowded
- remain in accommodation they have no right or title to occupy with the consent of the landlord following negotiation of this extended stay by the Council and landlord, pending availability of permanent social rented housing.

‘**Homeless at home**’ status does not apply to households who have never lived independent of the family home.

**Interim Accommodation:** Applicants in Interim Accommodation (see section 5.2 above) will be eligible for 2 additional points per month for time spent in this type of accommodation provision. However, these applicants will not be shortlisted for an offer of housing until the HHR Landlord has agreed with the Support Provider that there is clear evidence that support needs have been met and the applicant(s) are

ready to sustain a tenancy. Only when this agreement has been reached will the applicant become eligible for 'time spent in temporary accommodation' points.

## **5.6 Insecurity of Tenure**

### **HHR tenants in leased properties**

If you are a tenant of a Highland Housing Register landlord living in a home that your landlord leases from a private landlord for a fixed period, you will receive **30 points** once a valid Notice to Quit has been served by the private landlord or when there is 6 months or less until the confirmed lease expiry date.

### **No right or title**

If you are living in a home to which you have no right or title and may be asked to leave at short notice, your application will be awarded **15 points**. This includes bed and breakfast, c/o friends or relatives, parental home, lodgings and shared accommodation.

### **Limited security of tenure**

If you are in a short-assured tenancy, tied tenancy, or HM forces accommodation your application will be awarded **10 points**.

If there is a **valid Notice to Quit** and you have less than 6 months left on the lease your application will be awarded an additional **5 points** i.e. **15 points in total**.

Where a landlord is enforcing the Notice to Quit applicants must make a homeless application.

Where the Notice to Quit is no longer valid your eligibility for these additional points will be reviewed.

## **5.7 Sharing Facilities**

You will receive **20 points** if you live in a home where you **have** to share facilities with other people who will **not** be housed with you.

Applicants assessed as unintentionally homeless and in priority need are not eligible for sharing facilities points as noted in section 5.3.

## **5.8 Poor Housing Condition**

Private Sector properties are eligible for all categories of Poor Housing Condition.

Tenants in social housing are not eligible for any categories of Poor Housing Condition.

Caravans/mobile homes/tents/temporary structures are eligible for category 2 and where the condition of the accommodation is unreasonable to occupy staff should support the household in a homelessness assessment.

### **Category 1: High**

Properties which have one or more of the following significant defects will be awarded **70 points**:

- Not structurally safe
- No mains electricity/electricity unsafe
- No piped water
- No waste system
- Significant rising/penetrating damp/water penetration

Applications will be referred to Highland Council Environmental Health officers for appropriate statutory inspection.

**Please note if of the above are found enforcement action will be taken against the landlord to ensure compliance of the Tolerable Standard.**

### **Category 2: Medium**

Properties which lack one or more of the following amenities will be awarded **20 points**:

- No fixed sink / wash-handbasin / bath / shower
- No inside WC
- No central heating
- Mild dampness or water penetration
- No satisfactory cooking facilities

Applicants require to provide proof where possible; otherwise eligibility for the awarded points requires to be verified at point of allocation.

### **Category 3: Low**

Properties which have one or more of the following condition will be **awarded 5 points per condition up to a maximum of 10 points**:

- Poor ventilation
- Partial central heating
- No satisfactory artificial or natural light

- Other items of disrepair which fail Repairing Standard
- No or poor loft insulation
- Does not have satisfactory access to an external door from the public road, e.g. no footpath to the front door.

Applicants require to provide proof where possible; otherwise eligibility for the awarded points requires to be verified at point of allocation.

Applicants indicating Poor Housing Condition on their Housing Application will be provided with information about the Scheme of Assistance and The Repairing Standard.

## 5.9 Overcrowding

The Highland Housing register has its own criteria for working out if you are overcrowded. However, the criteria used by the Department of Work and Pensions to establish whether an applicant is affected by the Underoccupancy Rules are different. Please be aware of this if you are offered housing. In terms of the Highland Housing Register policy situations where a separate bedroom is assumed to be required and that no more than two people should share a bedroom are listed below;

- Each couple
- Each person aged over 16 years
- If children are of different sex and one is over the age of 6
- If children are of the same sex and there is an age difference of more than 4 years

We will consider the size of the home you live in now and your application will be awarded **20 points** for each extra bedroom you need up to a **maximum of 60 points**.

If you need an extra bedroom because you or your partner is pregnant your application will be awarded **20 points** as soon as we have proof of the pregnancy.

When we offer tenancies we will provide information on whether you may be affected by the “Bedroom Tax”.

### **Overcrowding as a result of access to children**

If you have a child or children who regularly stay overnight as part of a residence or access arrangement and you can provide proof of this arrangement your application will be awarded **10 points**.

Only one award of overcrowding points will be made under this category regardless of how many children are involved, and you will only be eligible for one extra bedroom for all children. This is because the children are adequately housed by their primary carer.

When we offer tenancies, all other needs being equal, we will give preference to households with permanent overcrowding, i.e., to households who are primary carers of children as this is a more significant housing pressure.

## Extreme Overcrowding

There are some circumstances where families are extremely overcrowded where there are three or more people sharing a bedroom. In these circumstances applicants will be awarded **10 additional points**.

### 5.10 Underoccupation

The Highland Housing Register criteria and the DWP Underoccupation criteria are different. You will be assessed as underoccupying for every bedroom you have relative to the size of property you have, applying the following rules assuming no more than two people should share a room. Listed below are the rules we apply and the DWP;

<b>Our Criteria</b>	<b>Welfare Reform Criteria</b>
Each couple	Each couple
Each person over 16 years	Each person over 16 years
Child aged 6 years or over and a different sex from other children	Children aged 9 or under to share with another child even for opposite sex
Each child of 4 years or more age difference to other children including of the same sex	Child aged 15 years or under to share with another child of same sex

If you are a current tenant of a HHR Partner landlord you will receive **20 points** for each extra bedroom you have relative to the size of house that you need or are applying for.

If you are not currently a tenant of a HHR Partner landlord you will receive **10 points** for each extra bedroom you have up to a **maximum of 20 points**.

Transfer applicants who are affected by the DWP Underoccupancy Rules will be given **20 additional points**. This is to help enable a move to a smaller property.

### 5.11 Care and Support

You can receive up to a maximum of **50 points** if any of the following circumstances apply to you:

- You have an identified need for independent living and where you are living is no longer appropriate, for example: in a residential care or nursing home, a hospital, in supported accommodation with a care package, or in the parental home with a care package (**50 points**)
- The Council has a statutory duty of care in terms of your follow on accommodation; for example, you have been a looked after child in a care or kinship arrangement (**50 points**)
- You need specialist support services (not otherwise available) (**20 points**)
- You need to move to provide care and support services, for example, through kinship care arrangements (**20 points**)

- You need to move so that a carer can live with you to enable you to live independently **(10 points)**
- you need to move to receive care from a friend or relative to enable you to live independently **(10 points)**
- you need to move to provide care to a friend or relative to enable them to live independently **(10 points)**
- you or a member of your household needs to move to be nearer facilities or services to maintain independent living **(10 points)**

Eligibility will be based on evidence of your circumstances from an appropriate professional in terms of a Care Plan, Community Care Plan, Single Shared Assessment, and Independent Living plan or similar.

### **5.12 Need to Reside**

The intention of this category is to recognise that households in the following circumstances have a relationship to the community which can be recognised and prioritised as a distinct housing need:

- permanent residence/principal home in a community
- an offer of permanent employment in a community
- an essential need to return to a community to provide or receive essential care or support that would not otherwise be available

Your application will be awarded **20 points** if you a need to reside in the area for the reasons above.

In line with Scottish Government Guidance ex-service personnel who are leaving or have just left armed forces will be awarded **20 points** regardless of whether they have a need to reside.

### **5.13 Two Households for One**

You will receive **30 points** if you are the tenant of a partner landlord and you want to form a new household with another person who is also a tenant of a partner landlord.

You will only be eligible for these points providing any allocation will result in both houses being left vacant and available for allocation through Highland Housing Register.

### **5.14 Accessible Housing**

If your physical and/or mental health or medical condition is made worse by your current living circumstances and this is stopping you from carrying out day to day tasks, you can request an Accessible Housing Form. Once completed and returned, the form is sent to NHS Highland for an independent assessment.

Your application will be assessed across the following levels of priority:

- **high (70 points)** - Re-housing to a specific property type or location is essential to enable functional independence or well-being.
- **medium (40 points)** - Re-housing to a specific property type or location would be of significant benefit to functional independence or well-being.
- **low (10 points)** - Re-housing to a specific property type or location would be of benefit to functional independence or well-being.

If the medical assessment identifies a specific type of housing or particular property feature that you need to improve your health (for example, a ground-floor flat because you cannot walk easily) your priority points can only apply to the appropriate property type or to a property that can be suitably adapted to meet your need.

If you are not happy with your assessment you have the right to appeal.

### **5.15 Special Allocations Status**

If you are experiencing circumstances and have needs which are not recognised by the other categories of housing need in this policy, we may assess your application for "Special Allocations Status" and seek appropriate independent evidence of your circumstances.

As this status is intended to deal with extreme or exceptional circumstances **only one offer** of housing will normally be made.

Decisions for an award under this category can only be made by Highland Housing Register senior staff further to a full assessment of your circumstances and the housing needs of other applicants with greater assessed need in terms of this policy.

## 5.16 Summary of Housing Need Categories and Points

<b>70 Points</b>
Homeless - Unintentional
Poor Housing Conditions - High
Accessible Housing Need - High
<b>50 Points</b>
Potentially Homeless - Unintentional
Assessed need to move to independent living from residential care/hospital/supported accommodation/ other inappropriate accommodation
<b>40 Points</b>
Accessible Housing Need - Medium
<b>30 Points</b>
Tenants in properties leased by any of the HHR Landlords with less than 6 months left on lease or where NTQ served
Two households combined – where both houses can be relet through HHR
<b>20 Points</b>
Homeless – intentionality and/no local connection
Moving to access specialist support services not otherwise available
Under occupation – HHR transfers (per bedroom - no limit)
Overcrowding (per bedroom up to max <b>60</b> ).
Sharing Facilities (1 set of points regardless of how many facilities are shared)
Poor Housing Conditions – Medium
Need to Reside
<b>15 Points</b>
Insecure Accommodation (e.g., C/o parental home/friends/family/lodgings)
Valid Notice to Quit on a Short Assured Tenancy
<b>10 Points</b>
Applicants with a short-assured tenancy, tied tenancy, or HM forces accommodation
Care & Support – where need to move provide receive care, or improve or maintain access to activities/services where not otherwise available
Under occupation – HHR Applicants (max 20 points)
Overcrowding (additional question) Where 3 or more people are sharing one room
Accessible Housing Need - Low
<b>5 Points</b>
Poor Housing Condition – Low (up to maximum of 10 points)
<b>2 Points</b>
Time spent in temporary accommodation where HPNU (per month)

## **Section 6: Allocation of Housing**

### **6.1 How houses are allocated**

Each application is assessed fairly and consistently with respect to the Housing Need Categories at section 5 and points awarded for circumstances.

In this way the register is able to prioritise and rank your application relative to the needs of other households on the register.

As the system is open access, the ranking changes from day to day as applicants are housed and new households register.

Selection of applicants for empty houses is by a 'shortlisting' process which identifies applicants whose needs, choices and preferences match the property type, size and location characteristics of the available property.

Allocations are then made to the applicant with the greatest housing need for the property type being offered.

### **6.2 By-passing applications**

In some circumstances it might be necessary to by-pass the highest ranked applicant with greatest overall priority for an offer. Reasons for this could include:

- where the property offered is not suitable for a specific medical recommendation
- where an applicant has significant rent arrears or housing debt and no arrangement has been negotiated
- where the existing home has not met transfer inspection standards and an arrangement has not been negotiated

By-pass reasons will be recorded and monitored for all allocations.

### **6.3 Offers and Refusals**

Applicants will be made 2 reasonable offers of housing, unless they have 'Homeless Priority Need', in which case they will be made 1 reasonable offer in line with The Highland Council's Homelessness Policy.

In deciding what is reasonable account will be taken of the property type and location choices made on the housing application, and the property type and size the household is eligible for.

In the case of households with Homelessness Priority Need, account will also be taken of the advice in the Scottish Government's Code of Guidance on Homelessness including consideration of the availability of housing in the areas an applicant has selected.

For this reason offers to applicants in these circumstances may not necessarily be in the preferred areas as also outlined in section 4.2 of this policy.

If you refuse the offer of housing because you would be adversely affected by Welfare Reform changes, this will be considered a reasonable refusal.

#### **Applicants eligible for 2 reasonable offers**

After a first reasonable offer has been refused, applicants will be contacted to provide advice about housing options and to review the application form.

After a second reasonable offer has been refused, the application will be suspended for 6 months.

#### **Homeless Priority Need applicants eligible for 1 reasonable offer**

In the case of households with Homelessness Priority Need, the Council will consider that it has discharged its duty under the terms of the homelessness legislation by making a reasonable offer of accommodation to resolve the homelessness situation and may therefore end any temporary accommodation provided under the homeless legislation. In addition, applicants will have the Homelessness priority points removed from their application, and will have their housing circumstances assessed in line with the categories of housing need contained in this policy.

Thereafter, the application will be subject to the conditions set out for 2 reasonable offers as with other applicants on the register.

Applicants have a right of appeal against any decisions made.

### **6.4 Sensitive Lettings**

In some circumstances there may be a need for a Risk Assessment to confirm whether it is appropriate for a particular offer of housing to be made. The arrangements for Risk Assessment will vary according to the different types of risk factors.

#### **1) Antisocial Behaviour**

We may not make an offer of housing where there is evidence of antisocial behaviour by you, anyone living with you or visiting you, **or** there is clear evidence that you, anyone living with you or visiting you has been subject to legal action in relation to antisocial behaviour (usually within the last three years).

We will refer any proposed offer of housing for a risk assessment. Where it is considered that the offer is not appropriate, you will be advised of this decision in writing. You have the right to appeal this, please see Section 9 on page 34.

Details of the Highland Council's Antisocial Behaviour policies can be found here; <http://www.highland.gov.uk/livinghere/housing/anti-socialbehaviourandneighbourhood/>

An applicant's area choices may require to be reviewed based on any recommendations from the risk assessment.

## **2) High Risk Offenders**

Detailed arrangements are in place for public protection through Multi Agency Public Protection Arrangements (MAPPA).

Occasionally other individuals are identified by Police and other Agencies as posing a risk to the public and as such require a multi-agency approach to managing the risk.

Any offer made to an applicant subject to the arrangements will be subject to a multi-agency risk assessment.

An applicant's choice of areas may require to be reviewed based on any recommendations from MAPPA.

## **3) Violence Against Women/Domestic Abuse**

If an HHR applicant indicates that they, or a member of their household, are at risk from domestic abuse, staff will make arrangements with the applicant to undertake a risk assessment to identify the level of risk posed.

Following the risk assessment, depending on the identified risk, an appropriate referral will be made. This may be a referral for a Multi-Agency Risk Assessment Conference or a referral to the appropriate Support Organisation.

Highland Housing Register will make every effort to ensure that HHR Applicants at risk of domestic abuse are not housed in the vicinity of the perpetrator, nor the perpetrator housed in a location which would put their victims at continued risk.

## **4) Witness Protection – The National Witness Mobility Service (NWMS)**

The NWMS works with police forces and Local Authorities to streamline the process of rehousing seriously intimidated witnesses.

Highland Housing Register will work with NWMS when contacted with a possible referral.

Any enquiries to an HHR partner about referral under this scheme should be referred to a designated member of Community Services Staff.

## **Section 7: Special Lettings Plans**

Under current legislation and guidance, providing the assessment of local connection is not determined by length of residence, landlords may operate a separate allocation system for different parts of their area.

Special Lettings Plans may apply when there is evidence that the policy is not delivering the aims as described at section **1.5 of this policy: Aims of the Allocations Policy**.

Special Lettings Plans are most likely to be considered 1) in small rural communities with housing pressure where there is evidence of the need for a particular targeted and time limited approach to allocations, or 2) where there are regeneration issues which research indicates can be addressed through a similar time limited approach.

Special Lettings Plans may also be considered where there is evidence to support an alternative approach to allocations and where HHR monitoring information similarly evidences a divergence from the intended policy outcomes.

### **7.1 Eligibility for Special Lettings Plans**

Special Lettings Plans will be subject to discussion with a representative community organisation and representatives of Highland Housing Register to include a review of allocations monitoring information and consideration of any evidence from an independent community needs assessment.

Special Letting Plans will be subject to an equality impact assessment, approval by the Housing and Social Work Committee as well as the governing bodies of social landlords with housing stock in the community affected.

### **7.2 Housing Applications for designated Special Lettings Plans**

Housing applicants will complete a supplementary application providing evidence of their need to reside in the community which is eligible for a Special Lettings Plan.

Where an applicant meets the criteria established by the Special Lettings Plan the applicant will be identified on the HHR system as having an 'enhanced' connection to that community.

Applicants will otherwise have their housing needs assessed according to the general provisions of the HHR Allocations Policy.

### **7.3 Allocations Quotas in Special Lettings Plans**

Allocations in Special Lettings Plans will be by means of a Quota System in order to maintain and demonstrate compliance with the general primary provisions of the HHR Allocations Policy. This includes the need to evidence that there is no disadvantage to applicants in what the legislation describes as 'reasonable preference categories'.

In a Quota System a percentage of allocations are set for different groups of applicants. So that for example: Housing List 50%/Special Lettings Plan 50%. Special Lettings Plans quotas cannot exceed 50% because of the need to

demonstrate no disadvantage to applicants from the 'reasonable preference categories'.

Allocations will be monitored to make sure that the target allocations quota is met.

The Highland Housing Register annual monitoring report will include information on the demand for Special Lettings Plans and the allocations outcomes for each.

#### **7.4 Special Lettings Plans – General**

Special Letting Plans are intended to be developed in consultation with local communities through any representative organisation.

Arrangements will be time limited and subject to annual reassessment and review.

## **Section 8: Monitoring**

To make sure that we act fairly and in accordance with equal opportunities we will monitor our performance by reporting the following information each year:

- 1) The total number of applications received by all partner landlords
- 2) The number of tenancies offered, and an analysis of the points and needs of those housed
- 3) The number of appeals against or complaints about, for example, offers of housing or how we have processed applications and the outcomes of these complaints and appeals i.e. upheld or not
- 4) The number of cases and circumstances in which applicants were housed under special allocations status
- 5) The number of transfers carried out each year
- 6) The number of allocations made to Homeless applicants
- 7) The number of applicants suspended for refusing two suitable offers
- 8) Feedback from customer satisfaction surveys
- 9) Details about any Special Lettings Plans

The Highland Housing Register Landlords will review this allocations policy at least once every three years to assess how effective it is and examine whether any changes are needed.

We may change this policy to keep it up to date with changing laws or best-practice guidance, or to tackle issues arising from our reviews.

We always welcome feedback and comments from individuals and organisations.

## **Section 9: Appeals and Complaints**

If you have a complaint about how your application has been managed or if you feel you have been treated unfairly you can make a complaint at any of the Highland Housing Register offices.

Your complaint will be managed in terms of the Complaints Procedure of the HHR partner which is holding your application.

If you still feel that we have not dealt with your housing application properly or fairly, you can then complain to the Scottish Public Services Ombudsman.

## **Section 10: Contact Details**

### **The Highland Council**

Housing and Property Service

Glenurquhart Road, Inverness, IV3 5NX 01463 702863

### **Albyn Housing Society Ltd.** (Charity No SCO27123)

Head Office, 98-100 High Street, Invergordon, IV18 0DL: 01349 852978

68 MacLennan Crescent, Inverness, IV3 8DN: 01463 712516

### **Cairn Housing Association Ltd.** (Charity No SCO16647)

Cairn House, 30 Waterloo Place, Inverness, IV1 1NB: 01463 220666

Tom Matheson Court, Robert Dick Place, Thurso, KW14 8BY: 01847 894483

Caberfeidh Court, Wellington Avenue, Wick, KW1 5HN: 01955 606025

### **Lochaber Housing Association Ltd.** (Charity no SCO30951)

101 High Street, Fort William, PH33 6DG: 01397 702530

### **Lochalsh & Skye Housing Association Ltd.** (Charity No SCO38019)

Morrison House, Bayfield, Portree, Isle of Skye, IV51 9EW: 01478 612035

### **Pentland Housing Association Ltd.** (Charity No SCO37286)

37/39 Traill Street, Thurso, KW14 8EG: 01847 892507