

## ALLOCATIONS POLICY

### 1. Introduction

1.1 Ayrshire Housing is a Registered Social Landlord concerned with providing affordable rented accommodation to those in housing need throughout Ayrshire. Through our development programme we aim to broaden the housing mix of the area, whilst also supporting rural and urban regeneration.

1.2 The principal aim of the Allocations Policy is to provide the framework for the allocation of housing to those with a clear and identifiable need at affordable rents. In developing this policy the association has taken into account relevant legislation and guidance including “Social Housing Allocations In Scotland: A Practice Guide” (Scottish Government February 2019).

### 2. Legislative Framework and Statutory Guidance

2.1 This policy takes account of the provisions detailed in the following Acts:

Housing (Scotland) Act 1987 (“the 1987 Act”)

Housing (Scotland) Act 2001 (“the 2001 Act”)

Housing (Scotland) Act 2014 (“the 2014 Act”)

It also takes account of the homelessness rules set out in Part II of the 1987 Act as amended by the 2001 Act and the Homelessness (Scotland) Act 2003.

2.2 It also takes account of the statutory guidance “The Legal Framework for Social Allocations, Statutory Guidance for Social Landlords (Housing (Scotland) Act 2014 (Scottish Government 2018) and Minimum Period for Applications to Remain in Force – Suspensions Under Section 20B of the Housing (Scotland) Act 1987.

#### 2.3 Equal Opportunities

Ayrshire Housing is committed to equal and fair treatment of all sections of the community. Accordingly, no person will be discriminated against during the implementation of this policy on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In delivering this policy, Ayrshire Housing’s staff will comply fully with the requirements of the association’s Equality and Human Rights Policy and its Accessibility Policy.

#### 2.4 Human Rights

The United Nations identifies adequate housing as a fundamental human right defining it as “the right to live somewhere in security, peace and dignity.” It further clarifies these rights to include “security of tenure, adequate conditions, protection against forced evictions and access to affordable housing...”. This

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Allocations Policy aims to ensure that the association in its lettings processes and its housing development activities furthers the right of applicants to obtain housing that meets their needs.

## 2.5 **Scottish Social Housing Charter**

This policy aims to meet the following outcomes of the Scottish Social Housing Charter:

### Outcome 1 – Equalities

- “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.”

### Outcomes 7, 8, 9 and 10 – Housing Options and Access to Social Housing

- “People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.”
- “Tenants and people on housing lists can review their housing options.”
- “People at risk of losing their homes get advice on preventing homelessness.”
- “People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being rehoused.”

A number of other Charter outcomes are directly relevant to this policy:

### Outcome 2 – Communication

“Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides”.

### Outcome 3 – Participation

“Social landlords manage their business so that tenants and other customers find it easy to participate in and influence their landlord’s decisions at a level they feel comfortable with”.

### Outcome 11 – Tenancy Sustainment

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

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## Outcome 12 – Homeless Persons

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

### 2.6 Data Protection

Housing applications and information held about applicants will comply with the Data Protection Act. This will include references from current and former landlords which will only be requested with the consent of the applicant and in line with the Data Protection Act.

## 3. Objectives of the Policy

Ayrshire Housing will ensure that all lettings will be carried out fairly and in accordance with this policy document and in making any allocation will:

- take account of all legal requirements which affect the letting of the house;
- be fair, efficient and non-discriminatory in allocating tenancies;
- give reasonable preference to specific groups as required by legislation;
- give priority to people in the greatest housing need, whilst ensuring accommodation is suitable for the applicant’s housing needs;
- make the best use of the available stock and use the allocations process to assist in the creation and maintenance of balanced, stable communities;
- complement the housing provision of the local authority.

We will ensure that applicants have fair and open access to our housing list and assessment processes and we will work with others to maximise and simplify access routes to our housing.

## 4. Reasonable Preference

4.1 In accordance with the Housing (Scotland) Act 2014 in letting our houses we will give reasonable preference to;

- Homeless persons and persons threatened with homelessness and who have unmet housing needs;
- People who are living in unsatisfactory housing conditions and who have unmet housing needs and;

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- Social housing tenants who are under-occupying their home i.e., have spare bedrooms not required due to size and ages of household members.

The 2014 Act says that people have “unmet housing needs” as “where the social landlord considers them to have housing needs which are not capable of being met by housing options which are available.” The Guidance also states that “Most applicants who are homeless or threatened with homelessness, or who are living under unsatisfactory housing conditions, are likely to be entitled to reasonable preference”.

4.2 The term “unsatisfactory housing conditions” can cover a range of housing needs. In this policy we consider the following circumstances as unsatisfactory:

- Property condition – e.g., where an applicant is living in accommodation that is below the tolerable standard.
- Overcrowding.
- Domestic or other abuse or harassment – this would include other forms of harassment such as racial, religious, sectarian, homophobic, transphobic, sexual or harassment based on autism and learning or physical disabilities.
- Insecure accommodation e.g., where an applicant has been served a Notice to Leave for a private tenancy, where an owner-occupier has been served a repossession notice, where an applicant living in tied accommodation is required to leave due to redundancy or retirement.
- Support – where an applicant requires to move to either receive or provide support e.g., where the support may allow the applicant to continue living independently.
- Medical grounds – where an applicant requires rehousing due to the need to be accommodated in adapted or accessible housing.

4.3 Applicants who are statutorily homeless will have been assessed by the local authority and meet the definition under Part II of the 1987 Act (as amended) which states “A person is homeless if he or she has no accommodation in the United Kingdom or elsewhere, or if he or she has accommodation, but it would not be reasonable for him or her to occupy it. Part II of the 1987 Act (as amended) also defines persons as “threatened with homelessness if it is likely that he or she will become homeless within two months”.

## 5. Eligibility

Ayrshire Housing accepts applications from any persons, or person aged 16 or over.

5.1 In the allocation of housing no account shall be taken of the following:

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- (i) the length of time for which an applicant has resided in the area; or
- (ii) any outstanding liability (for payment of rent or otherwise) attributable to the tenancy of any house of which the applicant is not, and was not a tenant when the liability accrued; or
- (iii) any outstanding liability (for payment of rent or otherwise) attributable to the applicant's tenancy of a house but which is no longer outstanding; or
- (iv) any such liability which is outstanding but where:
  - the amount outstanding is not more than 1/12<sup>th</sup> of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy; or
  - the applicant has agreed an arrangement with the landlord for paying the outstanding liability, has made payments in accordance with that arrangement for at least three months and is continuing to make such payments
- (v) We shall also take no account of:
  - non-housing debts; or
  - if the applicant has had arrears of rent or service charges which have since been paid; or
  - where the arrears of rent or service charges amount to no more than one month's charges.
- (vi) Providing an applicant is 16 years or over we will take no account of the age of the applicant except in the allocation of:
  - houses designed or adapted for occupation by applicants of a particular age group; or
  - houses to persons who are or are to be in receipt of housing support services (within the meaning of Section 91 of the 2001 Act for persons of a particular age group).
- (vii) No account will be taken of an applicant's ownership of heritable property.

## **6. Suspensions and Removals from the Waiting Lists**

6.1 To ensure that access to our housing lists is open and as inclusive as possible Ayrshire Housing will generally aim to minimise suspensions, avoid imposing unreasonable restrictions and apply reasonable timescales for suspensions which are in place.

The association will adopt a flexible approach and take account of applicant's individual circumstances.

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Suspensions will be applied in accordance with current law and guidance and clear records will be kept of the reasons for suspending an applicant.

Suspensions will be authorised by a Senior Housing Officer or Head of Housing Services.

## 6.2 Grounds for Suspension

Ayrshire Housing may suspend an applicant on the following grounds:

### **Tenancy-related Debts**

- Tenancy-related debts will include arrears of rent, service charges, rechargeable repairs and legal costs owed to a current or previous landlord.

An applicant will not be suspended where:

- The outstanding liability is attributable to a property where the applicant was not the tenant;
- The debts accrued by the applicant are no longer outstanding;
- The amount outstanding is less than 1/12<sup>th</sup> of the annual rent;
- The applicant has an arrangement agreed with the landlord to repay the outstanding debt, has made payments in accordance with that arrangement for at least three months and is continuing make payments in accordance with the arrangement.

Period of suspension – the suspension will remain until either the debt is cleared or an arrangement acceptable to the landlord is being maintained and has been maintained for at least 3 months.

### **Anti-social Behaviour**

- Where an applicant has lost a tenancy in the last 3 years due to anti-social behaviour;
- The applicant, or a member of their household has had an eviction decree or Anti-social Behaviour Order (ASBO) granted against them in the past 3 years;
- Where there is clear evidence of serious recent or current anti-social behaviour e.g., Police or Fire Authority reports are available detailing the behaviour;
- An applicant has been threatening, abusive or violent towards an Ayrshire Housing employee.

Period of suspension – the suspension will be for a minimum of 12 months followed by a review which will result either in the suspension being lifted or continued for another 12 month period.

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### **Conviction for Previous Offence**

Where an applicant or a member of their household has an “unspent” conviction for:

- Using their home for immoral or illegal purposes, or
- Any other offence punishable by imprisonment which was committed in, or in the locality of their home.

Period of suspension - the suspension will be for a minimum of 12 months followed by a review which will result either in the suspension being lifted or continued for another 12 month period.

### **Eviction Decree Granted**

In addition to any eviction for anti-social behaviour, we will suspend an applicant where, within the 2 years before the date we receive their application, a court has granted a decree for recovery of possession of a property of which they were the tenant, on the grounds set out in paragraph 3 or 4 of Schedule 2 to the Housing (Scotland) Act 2001, i.e. due to the condition of the property and any items provided by the landlord arising from neglect or actual acts of the tenant or a member of their household.

Period of suspension - the suspension will be for a minimum of 12 months followed by a review which will result either in the suspension being lifted or continued for another 12 month period.

### **Abandonment of a Property**

We will suspend an applicant who, within the 2 years before the date we receive their application, has abandoned a property of which they were the sole or a joint tenant, as a result of which the tenancy was terminated.

Period of suspension - the suspension will be for a minimum of 12 months followed by a review which will result either in the suspension being lifted or continued for another 12 month period.

### **Providing False Information**

Where an applicant has deliberately submitted false or misleading information in an attempt to gain advantage over other applicants.

Period of suspension – the suspension will be for 6 months followed by a review which will result either in the suspension being lifted or continued for another 6 months. Consideration will be given to the degree of the falsification and the consequences of the suspension e.g., to avoid a situation where a relatively minor error does not result in a family in severe housing need being suspended.

## **Refusals of Offers of Housing**

Where an applicant refuses 2 offers of accommodation which meets their choices. Prior to offer the applicant will be contacted to discuss their choices and preferences to ensure that, where possible, the offer meets the applicant's choices.

Period of suspension – 12 months.

## **Unacceptable Condition of Existing Property (Breach of Tenancy)**

Where an applicant is in clear breach of their tenancy conditions.

Period of suspension – until the applicant is no longer in breach of their tenancy.

### **6.3 Removals from the Waiting List**

Applicants can only be removed from the lists in the following circumstances:

- The applicant requests their application to be cancelled.
- The death of an applicant.
- The applicant repeatedly fails to respond to review letters or correspondence or other correspondence regarding their application.

## **7. Bypassing Applicants**

7.1 There may be occasions when we do not make an offer to the first applicant on the list or the next applicant who would otherwise receive an offer i.e., we bypass them for another applicant.

Reasons for doing so might include but is not restricted to the following situations:

- Where we know the applicant would definitely refuse the offer e.g., where they have previously refused a similar property and indicated that they would not wish to be considered for a similar offer.
- Where an applicant has indicated that they do not wish to be considered for offers in a particular area or particular house type.
- We might also bypass an applicant if the available property is suitable for or adapted for a wheelchair user but the next person on the list does not use a wheelchair. We would continue to bypass applicants until we found someone with a particular need for that property i.e., applicant or member of their household uses a wheelchair.

Reasons for bypassing applicants will be recorded as part of our allocation procedures.



## **8. False Information**

- 8.1 Applicants will be required to sign a declaration confirming that the information provided in the application is true to the best of the applicant's knowledge.
- 8.2 Should it come to the association's attention that an applicant has provided false or misleading information to obtain a tenancy, action may be taken to recover possession of the property and to end the tenancy.

## **9. The Board**

- 9.1 The association's governing body, the Board, is responsible for approving the policy and for approving the annual Lettings Plan which details the target quotas for each source of let i.e., waiting list, nominations and transfers.

The Board will monitor the impact of the policy regularly between each annual lettings review.

Board members will have no direct involvement in discussions or decisions about individual allocations.

## **10. Allocations to Board, Staff or "Connected People".**

- 10.1 All applicants will be required to declare whether to the best of their knowledge they are related to a Board or staff member.
- 10.2 Any member of staff or a member of their family is entitled to apply for housing with the association and be made an offer under the same rules that apply to all other applicants. The following rules will apply to such allocations:

- The member of staff will not be involved in any aspect of the allocation including awarding points or making an offer.
- It must be demonstrated that the allocation complies with the association's policies and procedures including the Entitlements, Payments and Benefits Policy.
- Any decision to allocate a property must be approved in advance by the Board's Tenancy Matters Committee and must be recorded in the minutes.
- The association will enter details of any such let into a Register of Interest which will be held in the association's office.

## **11. Nominations Arrangements**

- 11.1 The association works in partnership with the local authorities in its area of operations and seeks to have effective nomination arrangements in place with the local authorities. The arrangements will normally allow for up to 50% of lets to be made to applicants nominated by the councils. All nominations will be

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assessed in accordance with Ayrshire Housing's Allocation's Policy to determine if a let can be made.

- 11.2 The association will also consider nominations from other sources and partners such as the Health and Social Care Partnerships (HSCP) or specialist housing support providers. This arrangement might apply in situations where there is a vacancy which would be suitable for an applicant with particular housing or support needs.

## **12. Homeless Persons**

- 12.1 Applicants who have been assessed by the local authority as statutorily homeless and eligible for housing under homelessness legislation will be considered for housing by the association under the terms of the Section 5 protocol agreement i.e., by way of Section 5 Referrals. While applications will be accepted from such persons and will be added to the association's waiting list, offers of housing will routinely only be made under the Section 5 Referral arrangements.

- 12.2 The Code of Guidance on Homelessness details the grounds on which an RSL may refuse a Section 5 referral. These are:

- Where the RSL is unable to make suitable housing available within 6 weeks of the referral; or
- Where the only housing the RSL has available is of a particular nature (e.g. Sheltered Housing or accommodation for applicants with disabilities or housing designated for particular client groups), and this is not suitable for the applicant.

- 12.3 Only in exceptional cases will statutorily homeless persons be selected for housing direct from the association's waiting list.

## **13. Multi-Agency Public Protection Arrangements**

- 13.1 The National Accommodation Strategy for Sex Offenders (NASSO) forms part of the Multi-Agency Public Protection Arrangements (MAPPA) and sets out the arrangements for housing registered sex offenders. The Strategy focuses on assessing and managing the risks that sex offenders might pose by living in particular communities, locations or properties.

Ayrshire Housing has a duty to co-operate with the responsible authorities including the police and local authorities in the rehousing of offenders under the MAPPA arrangements.

## **14. Exceptional Circumstances and Management Transfers**

- 14.1 There may be occasions when some discretion may need to be applied and an allocation made outwith the core policy e.g., where Police Scotland make an official recommendation to move someone who is facing an immediate risk. The

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applicant would have to have an exceptional level of need, greater than others on the list or their circumstances are so extreme that they require emergency and immediate rehousing. Where such immediate rehousing is not available the applicant would be given appropriate information regarding what other advice and assistance might be available from other sources such as the local authority or Police Scotland.

14.2 “Management Transfers” can only be used in emergency situations where it is clearly untenable for a tenant to remain in their current home.

14.3 Management transfers should not be seen as a means of enabling a tenant to access higher demand stock which they would otherwise not be offered.

14.4 Where discretion has been used there must be a clear record of the reasons for the allocation and authorisation must be given by the Head of Housing Services.

## **15. Sensitive Lettings**

15.1 “Sensitive Lettings” aim to prevent housing management problems developing by taking account of known information about a prospective tenant and the knowledge the association has about the vacant property, its location or the neighbouring tenants and residents.

15.2 In allocating properties we should aim to avoid placing households who have particular social or other problems in areas where there is already a number of similar households where it would clearly be likely to exacerbate the problems and impact on tenancy sustainment.

15.3 Sensitive lettings should only be considered where there are clearly good grounds for doing so and such lettings should have a clear audit trail and records kept detailing the reasons for “by-passing” an applicant with a higher number of points on the waiting list. They should only be considered on an exceptional basis and their use should be carefully monitored to avoid abuse of the process.

## **16. Local Lettings Initiatives**

16.1 In order to take account of specific local factors the association may develop a lettings initiative in respect of particular areas, developments, properties or applicant characteristics/profiles.

16.2 Local lettings initiatives will require the approval of the Board and will then be published alongside the annual Lettings Plan.

## **17. Making the Best Use of Housing Stock**

17.1 When allocating a property we will generally make an offer to the applicant with the most points at the top of the waiting list. However, there may be occasions when the applicant with the most points is by-passed and not made an offer.

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Examples of when this approach might be applied include:

- The property is ground floor and accessible and the applicant at the top of the list does not need those features but an applicant with a lesser number of points does.
- The applicant at the top of the list has already refused a very similar property and has said they were not interested in receiving a similar offer.

17.2 Where an applicant is by-passed to make best use of stock, we will keep a record of the reasons for by-passing the applicant. This process must avoid systematically discriminating against or disadvantaging particular individuals or groups of applicants.

17.3 In making best use of stock which has been designed or adapted for people with particular needs such properties should only be offered to applicants who need such accommodation.

## **18. Adapted or Accessible Housing**

18.1 We will positively encourage housing opportunities for disabled people through the provision and development of suitable accommodation and adaptations.

18.2 The association has a number of properties which have been built or adapted to make them suitable for applicants with physical disabilities. These houses will predominately have ground level amenities such as bedrooms and bathrooms and may also have facilities such as level access showers or wet floor shower rooms.

18.3 Applicants requiring such amenities will be registered on our Special Needs list and, when such properties become available for let, priority will be given to applicants from the Special Needs list.

18.4 Nominations for such property may also be sought from sources and partners such as the Health and Social Care Partnerships (HSCP) or other specialist housing support providers.

## **19. Transfer Policy**

19.1 Ayrshire Housing operates a Transfer Policy. Tenants can apply for a transfer to another association property.

19.2 Transfer applications will be assessed on the basis of housing need using the same criteria and points system as all other housing applications. The Board as part of its annual review will determine the percentage of lets available for transfer applicants.

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19.3 Transfer allocations will not be considered to tenants who are in breach of their tenancy, except in exceptional circumstances e.g., where the tenant has been awarded maximum medical or social points. No account will be taken of rent or service charge arrears of less than one month.

## **20. Reporting**

20.1 The Board will receive information regularly regarding the number of properties that became available for letting, the reasons why they became empty, the average time to re-let vacant properties, the numbers of applicants on the waiting lists and the average time taken to assess new applications and add them to the lists.

## **21. Lettings Plan**

21.1 The Board as part of its yearly review will set out a Lettings Plan. This will indicate targets to be met for each of the different categories of applicants, e.g., the percentage of nominations from local authorities, waiting list applicants and transfers.

## **22. Administration and Procedures**

22.1 In partnership with South Ayrshire Council the association developed a common housing application form. This simplifies the process for applicants wishing to apply to both the association and South Ayrshire Council as they only require to complete one application form. The common application form can also be completed online either through the association's or South Ayrshire Council's websites via the link to [www.housingonline.org.uk/applications/](http://www.housingonline.org.uk/applications/).

22.2 The association currently receives a large number of housing applications. We are committed to processing applications as quickly as possible. The target timescale for processing applications will be set annually by the Board.

22.3 The association shall provide information regularly regarding the points ranges of applicants who have been re-housed by the association to assist applicants make informed choices regarding where they wish to be re-housed.

22.4 Where possible, every applicant who is likely to be offered a property will be visited at home before an offer is made. The association will consider asking local housing associations or the local council to visit if the applicant lives outwith our area of operation. The purpose of the visit is to check that the details on the application form are correct and that points have been correctly awarded.

22.5 As well as home visits, a tenancy report will be obtained from previous and current landlords. Applicants are required to sign a mandate authorising the association to contact landlords to obtain information about the conduct of a tenancy.

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22.6 All offers of tenancies will be made in writing. The applicant will be invited to view the property before signing a tenancy.

### 23. Waiting List Reviews

23.1 Applications will be reviewed annually to ensure the information held is accurate and up-to-date and to establish if the applicants wish to remain on the list or if there have been any changes to applicants' circumstances. Applicants indicating a change of circumstances will have their application form reassessed and will be advised of their new points' level. Applicants who do not return review forms will have their application form removed from the housing list.

23.2 The review process will have 2 stages to allow for a follow up with applicants who do not respond to the initial review letter.

23.3 Applicants who get in touch within 6 months of removal from the list should be reinstated using their original application date.

### 24. Points System

#### 24.1 Lacking Amenities

No bath or shower	20 points
No hot running water	20 points
No inside WC	20 points
No kitchen	20 points

#### 24.2 Property Condition

Where an applicant's house is affected by rising and/or penetrating dampness.	20 points
Where the property is affected by serious condensation/mould growth	5 points will be awarded per room affected
Where major repairs are needed such as roof renewal or rewiring	20 points

NB. Points can be awarded for one category only.

#### 24.3 Overcrowding Points

The number of apartments needed by a household is calculated as follows:

1. 1 living room and bedroom for an adult couple
2. 1 bedroom for 2 persons of the same sex under 16 years
3. 1 bedroom for 2 children of mixed sex under 8 years

One bedroom short	20 points
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Each additional bedroom short	15 points
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#### 24.4 Under-Occupancy

Under-occupancy points are awarded to householders in the following cases:

One bedroom extra	15 points
Each additional bedroom extra	10 points

For Ayrshire Housing tenants and tenants of other social landlords including local authorities and Registered Social Landlords the following points are awarded for under-occupancy:

One bedroom extra	20 points
Each additional bedroom extra	15 points

#### 24.5 Sharing Amenities

Where an applicant is not the householder, but shares the use of the facilities the following points will be awarded:

Shared use of cooking facilities	10 points
Shared use of living room	10 points
Shared bathroom	10 points
Shared facilities with more than 1 household i.e., multiple occupied property	25 points

#### 24.6 Tenure

Imminently Homeless	75 points
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Applicants who can demonstrate that they are at imminent risk of losing their own accommodation e.g., through ending of a short-assured tenancy and have no other satisfactory housing available to them.

Insecurity of Tenure	20 points
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Where an applicant has no legal right to stay indefinitely in their accommodation e.g., tied accommodation or a short-assured tenancy.

Living in a Caravan	10 points
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Where an applicant lives in a caravan all year round.

## 24.7 Medical Priority

Medical points may be awarded either to the applicant or to any individual who is part of his/her household. Where two members of the household are awarded medical points, only the highest priority points will be taken into consideration in calculating the overall number of points of the housing application.

Priority A: Where an application has accommodation which is potentially life threatening or causing severe aggravation to his/her medical condition and where re-housing is extremely urgent.	40 points
Priority B: Where an applicant's accommodation is causing serious aggravation to an applicant's medical condition.	20 points
Priority C: Where an applicant's accommodation is causing a significant degree of discomfort to the applicant's medical condition.	10 points

Applications for medical points are assessed on the basis of a self-assessment form completed by the applicant.

## 24.8 Support

Where support is required from or offered to a relative on medical grounds or in order to provide care in the community support	20 points
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Documentary evidence will normally be required.

## 24.9 Social Points

Social Points are awarded only in extreme cases where an applicant requires urgent re-housing. Although physically their current property may be suitable, there may be other reasons why the applicant requires to be re-housed.	75 points
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An example, where social points can be awarded is where an applicant requires re-housing following an incident of sexual abuse against them or a family member, and the perpetrator continues to live in the area.

Social Points will only be awarded in the most extreme circumstances and following approval by a Senior Housing Officer and/or Head of Housing Services. Social Points will also only be awarded where an applicant demonstrates that they will be extremely flexible regarding their choices of areas and house types and will not be considered where it appears that the applicant is trying to gain priority access to higher demand stock.



In these cases, documentary evidence such as Police reports or Social Work reports will normally be required.

#### 24.10 Racial or other harassment on grounds of sexuality, religion, sectarian, homophobic, transphobic, autism or learning or physical disability.

The association is committed to meeting our obligations under Section 26 of the Equality Act 2010. Where an applicant has experienced harassment related to any of the protected characteristics the application will be granted 75 points. The association will require supporting evidence.

#### 24.11 Domestic Violence/Abuse

The association will support applicants who require rehousing as a result of experiencing ongoing domestic abuse or threats of domestic abuse. The criteria for awarding domestic abuse points will be similar to that used for Social Points (Para 24.9) in that they will be only awarded where an applicant requires urgent rehousing and where the applicant demonstrates flexibility in their choices of areas and house types which will assist in alleviating the current abuse they are experiencing. These points will not be awarded where it appears that the applicant is simply trying to gain priority access to higher demand stock. The points awarded to applications meeting the criteria will be 75 points.

Applications where domestic abuse points have been awarded will be regularly reviewed to ensure that they are being appropriately applied. Supporting evidence will be requested though will not be an essential requirement.

#### 24.12 Access to Children

Where an applicant requires a property larger than his/her needs due to access arrangements to his/her children, documentary proof will be required.

#### 24.13 Unborn Children and applicants who are adopting or fostering a child

Where an applicant is expecting a child, and the birth of the child will result in overcrowding, the appropriate points will be awarded when the application is submitted or revised. This will also apply to applicants who are in the process of adopting or fostering a child. Documentary proof of pregnancy or adoption will be required.

### **25. Appeals**

#### 25.1 Any individual who is unhappy with any of the following may appeal against the decision:

- the points we award your application
- a decision to suspend you from receiving offers
- a decision to cancel your application

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- any decision we make which you believe has not been dealt with in accordance with the Allocation Policy
- if you feel that you have received an offer that is unreasonable

Any such appeal should be made in writing or by email to a Senior Housing Officer within 7 days of the decision against which you are appealing. The appeal should specify the grounds and reasons for the appeal.

A response to the appeal will be provided within 10 days of receipt of all the relevant information.

This does not preclude the applicant from subsequently raising a complaint (see below) on the handling of their application.

## **26. Complaints**

26.1 Any individual who is dissatisfied with the service experienced should be encouraged to provide feedback. Complaints about, and dissatisfaction with our policy, will be dealt with in accordance with the association's corporate Complaints Handling Procedures.



## Equality and Human Rights Impact Assessment

### 1. Reasons, responsibilities and monitoring

Title of Policy	Allocations Policy
Relevance to Annual Delivery Plan and 3 Year Business Plan	<p>We will “Increase the wellbeing of our communities” by providing access to “high quality housing and related services” based on a needs assessment which will prioritise applicants based on demonstrable housing need indicators.</p> <p>We will “ensure fair access to housing”.</p> <p>We will have “effective nomination arrangements which assist councils to fulfil their statutory responsibilities, for example for homeless prevention”.</p> <p>We will “work with the Health and Social Care Partnerships to provide housing solutions for their clients.</p> <p>We will have an “accessible application process”</p> <p>We will “assist the Council in meeting the needs of the homeless”.</p>
Name of Lead Person	David McGivern
Date EqHRIA completed	August 2019
Review Date and Frequency of Reviews	August 2024 5 years

### 2. Scoping

What is the purpose of the proposed policy (or changes to be made to the policy)?	To provide a framework for the allocation of housing to those in housing need taking into account relevant legislation and statutory guidance including “Social Housing Allocations in Scotland: A Practice Guide” (Scottish Government
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Created: August 2003

Reviewed: August 2019 (Approved at Board Meeting on 28.8.2019), August 2021

Current To: August 2026

	February 2019.
Who is affected by the policy or who is intended to benefit from the proposed policy and how? (stakeholders)	Applicants for housing.  Ayrshire Housing tenants who wish to move house (Transfer applicants).  Applicants with specific housing needs e.g. elderly persons, disabled persons, pregnant applicants.  Homeless Persons.
What human rights are engaged?	The right to be treated with fairness, dignity and respect. The right to a home which is accessible, affordable and habitable. The right to not be subjected to discrimination.
How will this policy impact on the equal enjoyment of human rights?	This policy states that applicants will be treated fairly and equally and without discrimination in the process of accessing our housing lists.
In what way is the Equality Duty engaged?	This policy eliminates discrimination and advances equality of opportunity between those sharing a protected characteristic and those who do not.
How will this policy impact on compliance with equality duties?	This policy meets our requirements to comply with the “general equality duty” under the Equality Act (2010).

### 3. Evidence

Do you have information on:	Yes	√	No	
Age	Yes	√	No	
Disability	Yes	√	No	
Sex (including pregnancy and maternity)	Yes	√	No	
Lesbian, Gay, Bisexual & Transgender	Yes		No	√
Race	Yes	√	No	
Religion and Belief	Yes		No	√
Staff	Yes	√	No	
Tenants	Yes	√	No	
Those on Waiting List	Yes	√	No	
The local Community	Yes	√	No	

**4. Is this information sufficient? Yes/No**

If no, outline when and how it will be sourced before moving to Question 5.

Whilst we do not collect information on LGBT people or on religion and belief, there should be no impact on our human rights or equalities. We aim through an open access policy and our general approach to assessing applicants to maximise access to housing opportunities to all sections of the community without reference to these characteristics.

The information we do hold on applicants' ages and disabilities can have a positive impact on people's health by being able to provide access to housing which meet their specific needs.

The information we do hold regarding Pregnancy and/or Maternity may also impact positively on applicants who are pregnant by providing access to housing large enough to accommodate the applicant and their expected child(ren).

**5. Impact**

What does the information you have tell you about how this policy might impact positively and/or negatively on your stakeholders?

The information we do hold on applicants' ages and disabilities can have a **positive impact** on people's health by being able to provide access to housing which meet their specific needs.

The information we do hold regarding Pregnancy and/or Maternity may also impact positively on applicants who are pregnant by providing access to housing large enough to accommodate the applicant and their expected child(ren).

**6. Please summarise the results of the EqHRIA.**

It is anticipated that this policy will have a positive impact on some of the Protected Characteristics groups including Age, Disabilities and Pregnancy/Maternity and will have no negative impacts on any of them.

**7. What is your recommended course of action?**

<b>Outcome 1:</b> Proceed – no potential for unlawful discrimination, and no adverse impact or breach of human rights articles has been identified.	√
<b>Outcome 2:</b> Proceed with adjustments to: address discrimination, remove barriers to the advancement of equality of opportunity and fostering good relations, address breaches of human rights.	
<b>Outcome 3:</b> Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	

<b>Outcome 4:</b> Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	
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**8. Please explain how you will monitor and evaluate this policy to measure progress:**

<p>How, Who and When</p> <p>The outcomes of this policy will be monitored at an operational level by Senior Housing Officer, Head of Housing Services and the Director through quarterly Performance Reporting framework.</p> <p>The Board will also monitor the outcomes of the policy through the quarterly performance reporting framework, the Annual Return on the Charter (ARC) and the annual review of the Lettings Plan.</p> <p>The policy outcomes will also be evaluated through regular reviews of the Nominations Agreement and Section 5 Protocol reviews by the association and South Ayrshire Council.</p>
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**9. Who will you share this EQHRIA with?**

The wider public.
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**10. How will you share this EQHRIA?**

By appending this impact assessment to the policy which is available on our website.
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**AUTHORISATION TO IMPLEMENT THE POLICY**

<b>Authorisation date:</b>	28.08.2019
<b>Authorisation Manager:</b>	