



Provanhall Housing Association Limited

POLICY

Allocations Policy

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DRAFTED	APPROVED	NEXT REVIEW
March 2025		

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Section 1 – Introduction

Introduction

A Registered Social Landlord's (RSL) Allocation Policy is the set of rules they use to decide how to allocate their available properties. Each RSL has its own rules for allocating housing. Many rules are based on the law, and others are up to the individual RSL to decide.

This Policy outlines Provanhall Housing Association's (PHA's) rules are for letting our properties. We will explain what we are required to do in accordance with legislation and our regulatory framework. We will outline measures put in place to meet the needs of the Association's stock profile and service users.

Background

PHA is a Registered Social Landlord based in Greater Easterhouse area of Glasgow. The Association is a non-profit making organisation, established in 1992 with the primary remit being to provide good quality affordable rented accommodation, demonstrating value for money. It currently owns and rents 523 properties.

Key Aims and principles

The Allocation Policy is needs based in order to reflect the statutory duty to identify and give reasonable preference to those categories of housing need specified in the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Acts 2001 and 2014. Therefore, when allocating properties the Association's key aims are:

- Clearly outline what our tenants should expect from us when applying for housing with us.
- Do our best to maintain affordable rents are consistent with our tenant's ability to pay but also taking into account the current supply and demand for our properties
- To manage access to our houses in a way which is clear, fair to all, and tackles discrimination on grounds of the nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex' and sexual orientation.
- Provide access to good quality, affordable rented housing to people in the greatest housing need;

- To support regeneration of the Provanhall area, by meeting local housing needs to help to create a stable sustainable community.

Customer Expectations

To meet the expectations of our tenants, this policy will outline what someone should expect if they apply for rehousing with the Association:

- We will provide clear information about our housing to help inform those choices and good quality advice and information about other rehousing options in the area;
- Let empty houses in line with set time scales thus maximising income from rents;
- Work in partnership with other housing providers to tackle housing need, for example, working with Glasgow City Council to address homelessness;
- Assess performance regularly and inform tenants and other service users of progress, for example, through our annual report;
- Deal with appeals and complaints in line with existing procedures

Section 2 – Legal Framework and Regulatory Requirements

Legal Framework

The legal framework for the allocation of social rented sector homes has evolved through the years commencing with the consolidated legislation being the Housing (Scotland) Act 1987. Over the years, the following statutes have amended the 1987 Act:

- Housing (Scotland) Act 2001
- Housing and Regeneration Act 2008
- Housing (Scotland) Act 2014

This Policy will also need to comply with Homeless rules set out in Part II of the 1987 Act (as amended by the 2001 Act and the Homelessness etc. (Scotland) Act 2003).

In addition, other legislation will be relevant to this policy. They are:

- Race Relations (Amendment) Act 2000
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Sex Discrimination Act 1975
- Data Protection Act 2018
- Human Rights Act 1998
- Equalities Act 2010

Regulatory Requirements

The Scottish Housing Regulator introduced the Scottish Social Housing Charter in 2012. The charter sets the standards and outcomes for all social property owners when performing their housing activities. The outcomes are relevant to this policy are:

Equality – Outcome 1

This ensures 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.

Communication – Outcome 2

This ensures 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.

Participation – Outcome 3

This demonstrates how landlords manage their businesses so tenants and other customers find it easy to participate in and influence their Landlord's decisions at a level they feel comfortable with.

Housing Options – Outcome 7, 8 and 9

These outcomes ensure:

- People are looking for rehousing get information will receive help to 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, and;
- People at risk of losing their home get advice on preventing homelessness

Access to social housing – Outcome 10

This ensures people looking for housing find it easy to apply for the widest choice of social housing available. Information they need on how the Landlord allocates homes are clearly given.

Tenancy Sustainment – Outcome 11

This ensures Landlords provide information to their tenants on how to obtain support to remain in their home and to ensure suitable support is available, including services provided directly by the Landlord and other organisations.

Homeless People – Outcome 12

This ensures 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.

Section 3 – The Association’s Housing Stock

The Association’s stock is concentrated in the Provanhall area of Greater Easterhouse. We have 530 properties. All stock will meet the Scottish Housing Quality Standard. The range of housing stock is as follows:

Mainstream

The vast majority of the Association’s stock is mainstream flats and houses. The size of these properties range from 1 bedroom to 4 bedroom flats and houses with the majority being 2 bedroom flats. Selection for these properties will come from the main Housing Lists.

Wheelchair Adapted Housing

The Association has a small amount of wheelchair-adapted properties. Selection for these properties will be restricted to applicants who can clearly demonstrate the need for such accommodation and must have medical verification.

Adapted Accommodation

The Association has a small amount of accommodation with specialised features (e.g. medically adapted flats with handrails walk in showers etc.) Allocations are made based on housing need.

The tables below show the number of properties owned by the Association in relation to bedroom size and property type. This information should assist

applicants when making a decision on whether or not to apply to the Association for Housing.

1 Bedroom properties	60
2 Bedroom properties	343
3 Bedroom properties	93
4 Bedroom properties	27
total of 523 units	
<i>(As at 31 March 2024)</i>	

Section 4 – Applications and the basis of Selection

The Association operates the following three lists for perspective tenants aged 16 years or over:

- General Waiting List (open to all applicants who are not PHA tenants)
- Transfer list (open to all existing PHA tenants)
- Section 5 Referrals (statutory Homeless applicants who will be referred by the local authority)

Anyone who wishes to apply for housing from the Association must complete an application form. Applicants must provide all of the requested identification and proof of residency as a minimum in order to register. We aim to process applications within 5-working days of receiving the application and supporting information. We may not require supporting documentation at the application stage from the following:

Section 5 Referrals

These applicants will already have had their identification verified by the local authority and in accordance with the Homeless Protocol can be accepted based on the information provided on the resettlement plan provided by the caseworker. One offer of accommodation will be made, which meets the applicants housing needs. Where the offer is refused, the Homeless Casework Team will assess whether or not the Association is obliged to make a further offer.

Care Leavers

Applicants leaving a care environment, supported by Continuing Care Services (Social Work) will be awarded Homeless priority under the Allocations policy. Young persons referred to Provanhall Housing Association under the Care Leavers protocol and continuing care services will provide ongoing support for a 6-month period to ensure only 'tenancy-ready' young care leavers are submitted to the

Protocol. It is now fully established as the agreed and successful route of obtaining tenancies for care leavers, who are assessed as being ready for their own tenancy.

Applicants who may have lost information in a fire or flood

We recognise some applicants may apply for housing due to a fire or flood and they may not have access to supporting documentation. Housing Management staff can apply some discretion in these cases; however, the documentation will be required retrospectively before any offer of accommodation is made. In such cases the assistance of the homeless casework team may be required to verify an applicant's details.

Victims of Domestic Abuse

Applicants who have fallen victim to domestic abuse, in some instances, may find it hard to provide supporting documentation due to the nature of their circumstances. HM staff should use discretion in such cases and may be able to verify the applicant details through any support groups or any other information the applicants can provide.

Support and advice when applying for Housing

On receipt of an application with supporting documentation, Housing Services staff will provide advice and assistance to applicants and provide them with their housing options. We will make referrals, if applicable, to other agencies who may be able to provide the applicant additional support. In order to prevent homelessness we will liaise with the local authority housing options service to ensure people at risk of losing their homes access appropriate advice and support to sustain their tenancy where possible.

Section 5 – Housing Need

Housing Need

Housing Need is not legally defined but is described in good practice guidance. We also recognise housing need is subject to change as standards evolve. For this reason, we assess levels and types of need on a regular basis and make changes when and where it is relevant but in accordance with Legislation and Regulatory requirements.

We will regard applicants as being in Housing Need where:

- They are homeless or do not have a secure tenancy
- They are living in property in a very poor condition

- They are living in unsatisfactory housing conditions, including lacking or sharing amenities
- Their home is overcrowded (too small for their household) or under occupied (too large for their household where they have a RSL tenancy)
- Their current home is unsuitable for their particular needs due to a medical condition
- If they need to move provide, receive, or improve family support arrangements
- If they need to move because of a relationship breakdown
- If they need to move to the Provanhall area to improve Travel to Work/ Study arrangements
- If they need to move as a result of harassment in your existing accommodation
- If they have to leave their property, which is due to be demolished, as part of a Regeneration Strategy in the Association's area of operation, and it is agreed PHA will provide re-housing for people losing their homes.

Factors not taken into account

The factors that Landlords must not take into account when allocating properties are set out in Section 20(2) of the 1987 Act (as amended by section 10(3) of the 2001 Act). They are:

- The length of time for which an applicant has resided in its area
- Outstanding Liabilities attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant
- Age of the applicants provided they are 16 years of age or over
- Income of the applicant

Reasonable Preference Groups

Landlords, through their Allocation Policy, must give a reasonable level of priority to those applicants who fall within one of the reasonable preference groups. The groups are as follows:

- homeless and persons threatened with homelessness and who have unmet housing needs
- people who are living under unsatisfactory housing conditions and who have unmet housing needs; and
- tenants of houses which are held by a social landlord, which the Social Landlord selecting it's tenants considers to be under-occupied

No Housing Need

Where there is no priority need identified in an application, applicants will be advised their chances of being rehoused by PHA are low. One exception to this category is as follows:

The Association will not accept an application from individuals who own their own property and are suitably housed except in the following situations:

Where the property is not let, but the owner cannot secure entry to the property. For example:

- it is unsafe to enter the property due to severe structural faults or
- there are squatters living in the property or
- it is probable occupying the property will lead to abuse from someone currently living in the property.
- the property cannot be adapted to meet medical requirements of the owner
- where it is probable occupying the property will lead to abuse from someone who previously resided with the applicant whether in the property or elsewhere; and
- occupation of the property may endanger the health of the occupants and there are no reasonable steps can be taken by the applicant to prevent danger.

Applicants who own their property may also be eligible for Housing if they meet the criteria set out in *“Factors not taken into account”* in this Policy.

Where the property sale has not concluded at the time of offer, any offer made will be in the form of a Short Scottish Secure Tenancy Agreement allowing the tenant up to one year to sell their previous home.

Anti-Social Behaviour

If the Association has knowledge or evidence an individual or someone in their household involved in anti-social behaviour, we can refuse access to our housing lists. In addition if allocated a property and the tenant or someone in the household involved in anti-social behaviour the Association may place you on a Short Scottish Secure Tenancy (subject to compliance with statutory requirement and statutory guidance).

House Type and size required

We allocate based on accommodation required as detailed below and will help applicants decide if they are either overcrowding or under-occupation:

Household members
Single applicant or each couple 1 bedroom (maximum of 2 bedrooms)
Each additional single adult (aged 16 or over) 1 additional bedroom
Two Children of same sex (up to 16 years) 1 additional bedroom
Two children of different sex (10yrs or less) up to age 10 1 additional bedroom
Two children of different sex (age 10 and over) 2 additional bedrooms
Two or more children (with a 5 year or more age gap) 1 additional bedroom

Guidance on House Type and size required

- A pregnant woman is counted as two persons.
- Additional rooms may be needed on medical or other grounds. In such cases, the Housing staff may request clarification from a medical professional to confirm why extra bedroom(s) are required.
- We will consider members of an applicant's household who are temporarily absent from the house as part of the household when assessing overcrowding levels. Proof of temporary nature of their current residence is required.
- Where households are split, the Association will consider children as part of the household if they stay with the applicants for a few days or more. Applicants should however be aware this situation might affect the amount of housing benefit entitlement. In most cases, we would look for evidence for proof of residency such as a solicitor's letter.
- Applicants may be considered for housing alleviates their overcrowding, although it does not fully resolve it.
- Proof of residence will be necessary for the award of overcrowding points
- In some cases we may consider under-occupying if it resolves another priority need. Such cases need to be authorised by the Housing Manager/Director.

Offers of Association Accommodation

All completed applications will be entered onto the respective Housing list and offers made to applicants will be based on a housing need and the availability of Housing stock.

Queues and bypass applicants

As the Association is committed to building and maintaining a balanced and stable community, it seeks to avoid an excessive number of vulnerable households or a concentration of age range and/or lifestyles in one area. Consideration will be given to potential problems caused by possible clash of lifestyles. As such, the

Association is required to consider the needs of the existing tenants in an area as well as the local community before making a specific allocation to an applicant. The Association, therefore, must be able to exercise an element of flexibility and the use of discretion when making individual allocations.

Where considered inappropriate, inadvisable or against the greater good of the community or the applicant, the Association retains the right to bypass applicants at the top of the Housing list for a particular property. The Director must approve the bypassing of any applicant on discretionary grounds, clearly providing a written audit of the reason(s). The applicant will remain at the top of the Housing List and will be considered for the next suitable offer of accommodation.

Selections

The Association will select applicants for properties based on the size of the property required and will prioritise the applicants who have the greatest need and time registered.

Where applicants are bypassed in the queue, the Allocations procedure will provide staff with the guidelines and a range of bypass codes to ensure consistency with the process and to demonstrate an effective audit trail of selections

Removal from the Housing List

The Association will only remove applicants from the list for the following reasons

- On the death of an applicant
- Applicant fails to respond to the annual review of the Housing List

Suspension from the Housing List

Applicants may be suspended from the Housing List for the following reasons:

- Making a false statement in an application for rehousing
- Rent arrears and other tenancy related debt
- If an Order for Recovery of Possession granted against them
- Have previously abandoned a property
- Have refused 3 consecutive reasonable offers
- Where an applicant or a person accompanying an applicant adopts threatening, violent or abusive behaviour towards staff
- Someone in their household involved in anti-social behaviour

- If an unsatisfactory tenancy, reference received where issues remain unsolved, (e.g. rent arrears outstanding with no repayment plan – applicants must have maintained arrangements for 3 months or more).

Reviewing Applications

The Association will review applications once a year based on their registration date. This is important to ensure information is accurate serves, in turn, to reduce offers refused.

We write to all applicants and request they inform us within a reasonable period if they want to stay on our housing list. For those applicants who do not respond we issue a reminder letter giving them more time to confirm their intentions.

If applicants fail to respond, their applications will terminate. Consent to do this is contained in the application form signed by applicants.

Applicants suspended because of a review may register again on the housing list at any time.

Section 6 – Other Allocations

Mutual Exchanges

A Mutual Exchange is the swapping of home and tenancies between two parties. Tenants have the right to exchange their tenancy with the Association's permission, as defined in the Housing (Scotland) Act 2001 and as detailed within the terms of their Scottish Secure Tenancy Agreement.

Applicants wishing to apply must complete a Mutual Exchange Form and submit this to the Association. It is important both the Association and the other respective Landlord (if applicable) have received submitted applications, as written approval must be obtained from both Landlords before any exchange can take place. The Association should process any applications within 28 days of receiving it.

In the case of joint tenants, the Association requires the consent of all tenants before for consideration. In the case of tenants who have a partner, spouse, or cohabitee (and partner, spouse or cohabitee is not a joint tenant), the consent of the spouse, partner, or cohabitee is also required.

Should the tenant have their rent registered by the Rent Officer, these rights will NOT be transferred through the exchange.

After considering your application and discussing with the other Landlord (if applicable) the Housing Officer as to whether or not to grant permission for a mutual exchange to proceed will reach a decision.

Reasons for refusing a Mutual Exchange

The Association is required to provide written consent or refusal to a Mutual Exchange application.

The application can be refused only if the Association has reasonable grounds for doing so. In terms of the Housing (Scotland) Act 2001 there are certain automatic reasons for refusing consent and these are as follows:-

- We have served a Notice of Proceedings for Recovery of Possession on the tenant specifying a ground set out in Paragraphs 1 to 7 of Schedule 2 of the Housing (Scotland) Act 2001.
- An order for Recovery of Possession of the house, which is the subject of the current tenancy, made against the tenant.
- The house was provided by us in connection with the tenant's employment with us.
- The house is designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and if the exchange took place there would no longer be a person with such special needs occupying the house.
- The accommodation in the other house is substantially than required by the tenant and the tenant's family or is not suitable to the needs of the tenant and the tenant's family.
- The exchange would lead to overcrowding which would result in the occupier guilty of an offence under Section 139 of the Housing (Scotland) Act 1987.
- In addition to these automatic grounds for refusing consent, the Association can refuse consent if it considers it has reasonable grounds for doing so. Such grounds may include the following:-
- If sufficient information is not provided by, the applicant to allow a decision to be taken in this situation the applicant can reapply at any time.
- Where either party is involved in antisocial behaviour resulting in a Notice of Proceedings being served.
- The Association's knowledge or evidence any of the applicants have been involved in antisocial behaviour if either party does not have a clear rent account or has other debts with the Association or another registered landlord. If either party does not have a good tenancy reference or the tenancy, inspection is unsatisfactory.
- The exchange is for financial gain and/or there is no housing needs supporting the exchange.

- In these circumstances, the Association will exercise its discretion as to whether or not to consent to the proposed exchange. There may be other situations where the Association will not consent to the exchange if it considers it has reasonable grounds to do so.

Where the Association does not give consent to the proposed exchange, we will advise both parties within one month of the date of the application and in our reply we will provide the reasons for our refusal. The tenants will also be advised of their right to seek further information, review and appeal through the Association's Complaints Policy.

If you are granted permission for the Mutual Exchange to go ahead

If the Association and the other landlord(if applicable) are happy with exchange to go ahead we will consult with the other landlord and both exchange parties and agree a mutual date on which the exchange will take place. The move would then take place and both properties would be accepted as seen. No repairs would be carried out in this type of allocation.

Assignations

An Assignation of a tenancy is when one tenant (or tenants) wish to pass over their tenancy to another person (or persons). The new tenant (or tenants) are known as "the assignees".

Tenants have the right to assign their tenancy with the Association's permission, as defined in the Housing (Scotland) Act 2001, Section 32 and Schedule 5, part 2. and also detailed within the terms of their Scottish Secure Tenancy Agreement.

Tenants shall be permitted to assign the tenancy only with the written permission of the Association, and this will only be given where their request is in accordance with the guidelines set out in this section of the policy. The Association may refuse consent only where it has reasonable grounds to do so.

Applying for an Assignation of tenancy

All applications for permission to assign a tenancy must be made in writing to the Association, using the Association's Assignation Application Form.

In the case of joint tenants, the Association requires the consent of all tenants before the request can be considered. In the case of tenants who have a partner, spouse, or cohabitee (and partner, spouse or cohabitee is not a joint tenant), the consent of the spouse, partner, or cohabitee is also required.

Guidelines for approving an application for Assignment

If you want to assign your tenancy to another person, the house must have been your only or principal home during the 12 months immediately before the date of your written request to assign the tenancy to someone else. The person who you wish to assign your tenancy to must have been living in the house as their only or principal home for at least 12 months before the date of your written request. You, a joint tenant or the person who you now wish to assign the tenancy to must have notified us of them moving into the property. The length of time the person you want to assign this tenancy to must have been living in the property starts from the date we are notified the person is living in the property as their only or principal home.

Where the request is made by the tenant to assign the tenancy to a spouse or partner (including same sex partner), son, daughter or another member of the tenant's household the following rules shall apply:

- The tenant will cease to reside in the Association's property after the assignment has occurred
- The conduct of the tenancy is satisfactory to the Association in all respects and
- The proposed new tenant is eligible to apply for admission to the housing list
- The proposed new tenant is eligible to apply for admission to the housing

Grounds for refusing an application for Assignment

The application can be refused only if the Association has reasonable grounds for doing so. In terms of the Housing (Scotland) Act 2001 there are certain automatic reasons for refusing consent and these are as follows:-

- A Notice of Proceedings served on the tenant specifying a ground set out in Paragraphs 1 to 7 of Schedule 2 of the Housing (Scotland) Act 2001.
- An order for Recovery of Possession of the house made against the tenant.
- It appears to the Landlord payment other than a rent that is in its opinion reasonable rent or a deposit that is reasonable made or is to be received by the tenant in consideration of the assignment.
- The transaction will lead to overcrowding so the occupier will be guilty of any offence under Section 139 of the Housing (Scotland) Act 1987.
- We intend to carry out work to the house or the building of which it forms part so the proposed work will affect the accommodation likely to be used by the person who would reside in the house because of the transaction.
- Where we would not give, the proposed new tenant reasonable preference under our allocations policy.

- Where in our opinion the assignation would result in the house being under occupied.

In addition to these automatic reasonable grounds for refusing consent, the Association can refuse consent if it considers it has reasonable grounds for doing so. Such grounds may include the following:-

- If sufficient information has not been provided by the applicant to allow a decision to be taken. However, the applicant may reapply at any time.
- If the tenant does not have, a clear rent account or has other debts with the Association and has adhered to or maintained a reasonable agreed arrangement for a minimum of three months.
- If the proposed new tenant owes the Association a debt and has not adhered to or maintained a reasonable agreed arrangement for a minimum of three months.
- If the pre-end of tenancy inspection is unsatisfactory and there is not enough time for the tenant to carry out the necessary repairs.
- The proposed new tenant had been previously evicted by the Association or any other social housing provider.
- The proposed new tenant abandoned the tenancy with the Association or other registered housing association.
- Where the assignation is proposed to: a person or persons either the Association has knowledge or evidence the future incoming tenant has acted in an antisocial manner in relation to another person residing in or visiting. Otherwise engaged in lawful activity. Alternatively, pursued a course of conduct amounting to harassment of such a person or a course of conduct which is otherwise antisocial conduct in relation to such a person the terms. "Antisocial conduct" and "harassment" have the same meanings as set out in Schedule 2 Part 1, Ground 2(2) of the Housing (Scotland) Act 2001.
- The proposed new tenant has omitted, distorted or given false information in their application.
- Where there is substantial damage or disrepair to the property caused by the tenant, a member of the household or a visitor to the property.

In these circumstances, the Association will exercise its discretion as to whether or not to consent to the proposed assignation. There may be other situations where the Association will not consent to the assignation if it considers there are reasonable grounds to do so.

Responding to requests for assignation

The Association will respond, in writing, to the request for permission to assign the tenancy within 28 days of the date on which the request is received. We will also aim to complete the Assignation request as quickly as possible.

Where we reply and give consent to the assignation, we will advise the tenant of the date on which the assignation will take place.

Where the Association does not give consent to the proposed assignation, we will advise the tenant, in our reply, of the reasons for our refusal. The tenant will be advised of their right to appeal any decisions. The tenant also has a right to apply to the court by way of Summary Application if the tenant is aggrieved by the Association's decision.

Joint Tenancies

A joint tenancy is when two (or more) residents within a household want to share jointly the responsibilities of the tenancy. Although the term "joint tenant" is used throughout, legally "joint tenants" are tenants in common.

Tenants have the right to ask to change their tenancy to a joint tenancy, with the Association's permission, as defined in the Housing Scotland Act 2001 and as detailed within the terms of their Scottish Secure Tenancy Agreement.

Tenants can change their tenancy to a joint tenancy only with the written permission of the Association. This will be granted where their request is in accordance with the terms of this policy. The Association will refuse consent only where it has reasonable grounds to do so.

It is good practice, when signing up a new tenancy, where there is a partner moving in, and both parties should sign the tenancy agreement at the date of entry. It is the Association policy to offer applicants the choice of whether to have a sole or joint tenancy.

Applying for a Joint Tenancy

Applications from tenants requesting permission to change their tenancy to a joint tenancy must be made in writing to the Association. PHA will provide a Joint Tenancy Application Form.

Tenants have the right to apply for a joint tenancy with one or more individuals who either live (or intend to live) in the house as their only or principal home.

In the case of joint tenants, the Association requires the consent of all tenants before the request can be considered. In the case of tenants who have a partner, spouse, or cohabitee (and partner, spouse or cohabitee is not a joint tenant), the consent of the spouse, partner, or cohabitee is also required.

The Association will also consider the welfare reforms and other legislation when assessing the joint tenancy request.

Grounds for granting a joint tenancy

If you want another person to be a joint tenant, the house must have been the only or principal home of the person who is to become a joint tenant for at least 12 months immediately before the date of your written request. In addition, you, a joint tenant or the person you now wish to become a joint tenant must have notified us of the proposed new tenant moving into the house. The person you wish to add as a joint tenant, and any existing joint tenants must apply to us in writing along with you. The length of time the person you want to add as a joint tenant must have been living in the property starts from the date the Association is notified the person is living in the property as their only or principal home.

We will also consider applications if all of the above is met and;

- The request is reasonable
- The conduct of the tenancy is satisfactory to the Association in all respects and
- The proposed new tenant is eligible to apply for admission to the housing list

Grounds for refusing a Joint Tenancy

Permission may not be granted for a joint tenancy on the following grounds:

- Insufficient information provided by the tenant to allow a decision to be made, however the applicant can reapply at any time.
- Where a Notice of intention to raise proceedings for possession, specifying a ground or grounds for recovery of possession served.
- The Association has obtained a Court Order for recovery of possession of the house.
- Where creating a joint tenant would result in statutory overcrowding. Statutory overcrowding is defined by the Housing (Scotland) Act 1987, section 135-139.
- Where the Association has knowledge or evidence the tenant or the proposed joint tenant(s) is involved in an anti-social behaviour

- Where the proposed joint tenant would be unable to fulfil the terms of the tenancy
- Where the house is not the proposed joint tenants principal home and they do not intend to move in
- Where the proposed joint tenant does not meet the eligibility criteria for the property.

Whilst this Policy explains certain situations for approval and refusal, it cannot cover every scenario; therefore, each request will be considered on its merit.

Succession of Tenancy

Succession of tenancy is the transfer of a tenancy from a tenant who has died to a qualified person or persons. **Succession cannot take place unless the tenant dies.**

Where a tenant has unfortunately passed away, one of the following people may inherit the tenancy in the following way.

Level One

A spouse, civil partner or co-habitee if the house was their only or principal home on the death of the tenant; OR

A joint tenant, if the house was his or her only or principal home on the death of the tenant.

In the case of a co-habitee, they must also have occupied the house as his/her only or principal home for at least 12 months immediately before the death of the tenant. The 12-month period commences from the point PHA are advised the individual is living in the property as their only or principal home.

If more than one person qualifies for the tenancy under Level One, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide.

Level Two

If no one qualifies at Level One, or a qualified person does not want the tenancy, it can be inherited by a member of the tenant's family as long as:

- they is aged at least 16 at the date of death; and
- the house was his or her only or principal home at the date of death and the member of the tenant's family have occupied the house as his/her only

or principal home for at least 12 months immediately before the death of the tenant to qualify to succeed to the tenancy.

- They have enough income to pay the rent

The 12-month period cannot begin unless PHA are advised the family member is living in the property as their only or principal home. The tenant, a joint tenant, or the person who wishes to succeed to the tenancy must have told us.

If more than one person qualifies for the tenancy under Level Two, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide.

Level Three

If no-one qualifies at Level One or Level Two, or a qualified person does not want the tenancy, it will be inherited by a carer as long as:

- They are aged at least 16 at the date of death; and
- the house was their only or principal home at the date of death; and
- they gave up another only or principal home before the death of the tenant; and
- they are providing, or has provided care for the tenant or a member of the tenant's family.

The carer must have occupied the house as his/her only or principal home for at least 12 months immediately before the death of the tenant to qualify to succeed to the tenancy.

The 12-month period cannot begin unless PHA are advised the carer is living in the property as their only or principal home. The tenant, a joint tenant, or the carer who wishes to succeed to the tenancy must have told us.

Definition of Care

The Association recognises the rights of genuine carers to succeed to a tenancy where qualifying conditions are met (see 6.4 above). The Association recognises "care" as comprising "Personal Care" as defined within Section 2 (28) of the Regulation of Care (Scotland) Act 2001 or Social Care as defined within Schedule 2 of the Community Care and Health (Scotland) Act 2002.

If more than one person qualifies for the tenancy under Level Three, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide.

Adapted Properties

If property was designed or substantially adapted for a person with special needs, no person will qualify under level two or three above unless person has special needs requiring the type of accommodation in the house. If a person would have qualified, but for this paragraph, we will make other suitable accommodation available.

Additional Information regarding Succession of Tenancy

If someone qualifies for the tenancy but does not want it, they should advise the Association as soon as possible, in writing, and leave the house as soon as possible. Rent will be charged only for the actual period of occupation.

The tenancy can only be inherited twice under the provisions noted above. If the tenancy has already been inherited twice, the third death will normally end the tenancy. This will not happen if there is a surviving joint tenant whose Scottish secure tenancy will continue. However, if there is still a person in the house who would otherwise qualify to inherit the tenancy under the above paragraphs, the tenancy will continue for up to 6 months after the last death. The Tenancy will not be a Scottish Secure Tenancy for period.

Section 7 – Letting Targets and Quotas

The Association sets a target each year for houses to be let to individual groups based on expected levels of turnover within our housing stock. This is to ensure we have balanced sustainable communities and we meet our legal and regulatory requirements.

The targets can be amended on request to our Management Committee should there be changes in legislation or take account of situations such as Local Regeneration Strategy e.g. Clearance and Demolition.

Targets will be set prior to the commencement of each financial year and senior staff will seek consent for these targets from the Operations Sub Committee.

Section 8 – Audit and Performance Monitoring

Audit

To ensure this policy is effective in the allocation of our properties we will carry out audits to ensure compliance. Audits will be completed periodically by:

- Senior Management Team

- External Auditors

The Association will also submit the outcomes of this Policy in terms of Allocations to the Management Committee and Scottish Housing Regulator in our Annual Returns Charter (ARC).

Performance Monitoring

To ensure the Association is achieving high standards of performance in terms of Allocations we will:

- Commit to training and developing our staff in dealing with Allocations
- Will benchmark with similar Landlords to gauge our performance and share best practice guides.
- Provide quarterly reports to our Management Committee and Operations Sub Committee in terms of Allocation performance
- Audit Allocations to continuously improve our management of allocations and to ensure there is consistency in our approach to dealing with allocations
- Provide effective procedures for staff for this policy
- Provide our Management Committee and Operations Sub-Committee with an overview on Allocations and provide training as and when required.

Section 9 – Role of Committee

Code of Conduct

The Housing (Scotland) Act 2010 replaces Part 1 schedule 7 of the Housing (Scotland) Act 2001. The Code of Conduct has provided guidance on payments and benefits to Committee Members, Staff Members and their relatives, which was previously contained within schedule 7 of the Housing (Scotland) Act 2001.

The effect will be Committee Members/ Staff members cannot put themselves in a position where their duties and personal interests conflict or may conflict and they must not benefit in any way from their connection with PHA.

PHA may grant a tenancy, transfer a tenancy or mutual exchange to an employee, former employee, Committee Member or relative of these groups providing the person:

Fully meets the Associations' published Allocation criteria, and

Has no involvement in or influence over the process by which the Association allocated the tenancy in question

The Management Committee, prior to an offer of tenancy being made, will consider all allocations falling into this category.

Performance Monitoring

Quarterly reports regarding Allocations will be provided to the Management Committee and Operations Sub Committee detailing quarterly allocations and any information regarding the audit of Allocations.

Committee members will take no part in deciding individual allocations but are responsible for Policy development, Code of Conduct and the monitoring of this policy.

Section 10 – Tenant Consultation

Each year, we will provide customers with information about our performance in letting properties and how long it takes us to do this.

We will periodically ask tenants about their experience of applying for a house and report their views on the standard of service we offer and report customer feedback annually to the Management Committee. This information will mainly be gathered through customer satisfaction surveys and complaints handling.

Section 11 – Confidentiality and Access to information

We process personal information in line with legal requirements; this means it will not be shared with other agencies except with applicants' consent, or as permitted in law.

Therefore, we ask applicants' permission to discuss application details with other agencies as part of our application form. We may contact other Landlords, for example, to confirm tenancy details. We do not request personal references.

Applicants may request a mandate from the Association's office they must complete in order to give consent to another individual to discuss their application with Association staff.

Information

This policy is available on our website and can be provided to applicants or other customers on their request free of charge. On request we will also provide this policy in any other format i.e. in another language, braille etc.

General Data Protection Regulations

Applicants have a legal right to gain access to personal information supplied in connection with their application. This is covered by the Housing (Scotland) Act 1987. Applicants may also view other personal information supplied to the

Association in line with the Data Protection Act 2018. We may only refuse such requests on grounds specified in the Act. We do not charge for this service.

Equalities

The Association promote equal opportunities throughout all of our policies, including allocations. An equality impact assessment in respect of this policy is attached.

Section 12 – Appeals and Complaints

Appeals

Applicants can appeal decisions made by the Association in regards to this policy.

The Housing Manager will assess all appeals, as it is unlikely they would not be involved in allocating houses. In any cases where they have been involved in the process, their line manager would then hear the appeal in most cases.

Appeals may be made in by telephoning, writing, emailing or in person.

Complaints

Complaints might occur, for instance, if someone is concerned about the standard of service you have received or the conduct of our staff. Tenants are provided with a copy of our complaints procedure when they sign their tenancy agreement. This informs them about complaint procedures. A copy can also be obtained at the reception area of our office or on our website if you are not a tenant or could ask a member of staff. If applicants remain dissatisfied with the Association's response to the complaint, the Association will provide information about making a complaint to the Scottish Public Services Ombudsman who deals with complaints involving maladministration have fully progressed through the Association's Complaint Procedure.

Review

We will aim to review this policy every three years or when legislation requires us to do so. Any changes to this Policy will be fully discussed with tenants and other service users as part of our tenant participation strategy.