



**Provanhall Housing Association Limited**

**POLICY**  
**Internal Transfer**

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## 1 Introduction

- 1.1 The main aim of the Association is to provide good quality affordable accommodation and to allocate our houses in a way that gives reasonable preference to those in the greatest housing need, while at the same time, helping to maintain a balanced, stable and sustainable community.

## 2 Balanced and Sustainable Communities

- 2.1 The Scottish Government in their 2012 'Affordable Rented Housing: creating flexibility for landlords and better outcomes for communities' proposals wanted to *'create more flexibility for social landlords to decide who should get priority for their housing'*. The aim is that *'greater flexibility can give local communities more of a say in who is being housed'* and allow *'allocations to be more responsive to local needs and demand for housing and also simpler and more transparent'*. The Housing (Scotland) Act 2014 delivered on these proposals and informed the development of this policy.

## 3 Scottish Social Housing Charter Outcomes

- 3.1 The following charter outcomes and standards are directly relevant to the Internal Transfer Policy:

### **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'*.

### **Charter 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'*.

### **Charter Outcome 4 'Quality of housing':**

*'tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) when they are allocated; are always clean, tidy and in a good state of repair; and also meet the Energy Efficiency Standard for Social Housing (EESH) by December 2020'*.

### **Charter Outcome 7, 8 and 9 'Housing Options':**

*'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'*.

### **Charter Outcome 11 'Tenancy Sustainment':**

*'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 by other organisations'*.

## **4 Annual Return on the Charter (ARC) Indicators**

4.1 The following Annual Return on the Charter (ARC) Indicators are relevant to the Internal Transfer Policy:

- Charter Indicator 14 *'Percentage of tenancy offers refused during the year'*
- Charter Indicator 16 *'Percentage of new tenancies sustained for more than a year, by source of let'*
- Charter Indicator 17 *'Percentage of lettable houses that became vacant in the last year'*
- Charter Indicator 18 *'Percentage of rent due lost through properties being empty during the last year'*
- Charter Indicator 30 *'Average length of time taken to re-let properties in the last year'*
- Charter Contextual Indicator C2 *'The number of lets during the reporting year by source of let'*
- Charter Contextual Indicator C3 *'Number of lets during the reporting year, split between general needs and supported housing'*

## **5 Access to the Internal Transfer List**

- 5.1 The Association operates an open Internal Transfer List. Existing PHA tenants can apply for a transfer to another PHA property based on housing need. The Allocations Policy sets out the categories for priority.
- 5.2 The rate of turnover of homes within PHA is relatively low with an average of 20 homes becoming available each year. Housing staff will provide information and guidance on alternative housing options and provide realistic information and likelihood of a property becoming available which will suit the tenant's needs.
- 5.3 We aim to let 60% of our vacant let properties to homeless applicants in compliance with our obligation to provide housing to the local authority. A further 20% of vacant properties will be made available to Waiting List Applicants and the remaining 20% to Transfer List Applicants. This will be reviewed and amended from time to time by the Operations Manager to achieve balanced and sustainable communities whilst meeting our obligation to provide housing for homeless households.

## **6 Date of Application & Processing Timescale**

- 6.1 The position on the list is based on length of time since application being accepted, housing need and match to the facilities of the new home. For example, a wheelchair accessible property would be matched to an applicant who requires such a property though may not have been waiting as long as another applicant may.
- 6.2 The Association recognizes the personal, family and financial circumstances of applicants do change. For that reason, an internal transfer applicant will be

removed from the list of an applicant group for which they no longer qualify and be placed on the list of another applicant group in which they have the best chance of being rehoused.

- 6.3 For reasons of fairness and transparency no internal applicant either should benefit or be penalized for a change in their circumstances. Their position on this new applicant group will therefore be based on original date of application.
- 6.4 While 7.3 above is most commonly used to ensure applicants are not penalised, it is agreed securing another tenancy from the Association is not a normal 'change in circumstances'. If the tenant, through their internal transfer application, applies to us and then secures rehousing by us, any future internal transfer application will not of course retain their original application date. Otherwise the applicant is indeed getting a 'benefit' each time over all other applicants if we continued to just keep their date of application as the original date they first applied to us for a home or to another home as an internal transfer applicant.
- 6.5 We aim to process internal transfer applications in 10 working days of receiving all relevant evidence.

## **7 Regeneration Cases**

- 7.1 Where PHA are regenerating an area, the Internal Transfer Policy will be suspended.
- 7.2 All voids will be offered first to household affected.

## **8 Suspended Applications**

- 8.1 There are circumstances in which internal transfer applicants can be suspended from receiving offers of housing for a period. Internal transfer applicants can be suspended for the following reasons:
- current or former rent arrears or other rechargeable tenancy related costs of more than the equivalent of one month's rent outstanding and no payment agreement is in place, or the full payment agreement has not been paid for at least a three months period.
  - evidence of antisocial behavior or harassment, regardless of whether legal action seeking eviction has been instigated or carried out or ASBO granted.
  - tenant, or anyone residing with the tenant, has been convicted of using the house for immoral or illegal purposes.
  - tenant, or anyone residing with the tenant, has been convicted of an offence punishable by imprisonment, which was committed in or near their tenancy.
  - tenant has displayed threatening or violent behavior towards staff of the Association or its representatives including committee members and contractors.

- order for recovery of possession has been made against the tenant.
- the tenant has made false statement in any application for housing.
- tenant has unreasonably refused one or more offers of housing

8.2 Not adhering to responsibilities of the tenancy. Examples of this may include:

- very poor condition of the tenant's home with evidence of vandalism and examples of abuse over and above general wear and tear.
- tenant not taking their turn of cleaning and keeping tidy their garden or other common areas such as landing and stairs.
- tenant not controlling pets.

8.3 Each internal transfer application will be considered on its own merit with clear, reasonable and justifiable reasons for suspension. We will write to advise of a suspension from the list. This will confirm reasons why, period applied and what action can be taken to end the suspension. Details confirming right to ask for a review of this decision and information on how to make a complaint will be included.

## **9 Cancelled Applications**

9.1 PHA will cancel and remove an internal transfer application where:

- The internal transfer applicant has requested removal from the Internal Transfer List. If possible, the Association should attempt to have written confirmation of this request.
- The internal applicant has failed to respond to the periodic review of the Internal Transfer List.
- Death of an internal transfer applicant

## **10 Equality & Diversity**

10.1 PHA is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. The Internal Transfer Policy in its operation will adhere to all parts of the Equality & Diversity Policy.

10.2 PHA will take steps to ensure there are no barriers in accessing its services. Relevant documents can therefore be translated into a range of languages on request. For anyone with visual or audio impairment relevant documents can also, on request, be made available in larger print, on tape, in Braille or on any format required.

## **11 Legal Framework**

11.1 All aspects of the Internal Transfer Policy and procedures adhere to the following Equality & Housing legislation:

- Equality Act 2010
- Housing (Scotland) Act 2001

- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Homelessness etc. (Scotland) Act 2003
- Human Rights Act 1998
- Data Protection Act 2018 (incorporates GDPR 2016)
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Domestic Abuse (Protection) (Scotland) Act 2021
- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2006
- The Children (Scotland) Act 1995
- Looked After Children (Scotland) Regulations 2009
- Mental Health (Care and Treatment) (Scotland) Act 2003

## **11 Good Governance**

- 11.1 PHA will meet the standards outlined in ‘Regulatory Standards in Governance and Financial Management’ published by The Scottish Housing Regulator and its own ‘Entitlements, Payments and Benefits’ policy and ‘Financial Regulations’ policy. These cover the types of payments and benefits that landlords can make to their employees, committee members or close relative of employees or committee members. This includes any former employees or committee members within the previous 12 months. These are designed to make sure none of the above either abuse their position or benefit in any way from their connections with PHA. They therefore play an important part in maintaining the Association’s good reputation. PHA will aim to exercise at all times good governance and judgement and maintain high ethical standards of honesty, integrity and probity. There is however, circumstances under which payments can be made, benefits granted, and these are stipulated in the Entitlements Payments & Benefits Policy

## **12 Role of the Management Committee**

- 12.1 Staff will undertake the day-to-day operation of every aspect of the allocations process. The role of the Management Committee is to agree associated policies and procedures monitor their outcomes and review accordingly. The Management Committee will also consider any special cases or lets under the ‘Good Governance’ section.

## **13 Delegated Authority**

- 13.1 The Management Committee has delegated the Operations Sub-Committee authority to monitor the allocation policy, and other associated policies, outcomes.

## **14 Decision Review**

- 14.1 An internal transfer applicant dissatisfied with any decision taken regarding their application, or any part of the allocation process, has the right to request a review of the decision. All internal transfer applicants are advised of the review process, which is as follows:
- Internal transfer applicant can request a review of the decision to the Operations Manager. Their review request can be made in person or by phone, in writing, by email or via our website. The Operations Manager will provide a written response within 5 working days.
  - If the internal transfer applicant does not agree or accept the decision of the Operations Manager, they have the right to make a final review request to the Director of the Association. Their review request can be made in person or by phone, in writing, by email or via our website. The Director will provide a written response within 5 working days. The Director's decision will be final.
  - Applicants may choose to escalate their dissatisfaction under the terms of PHAs complaints policy.

## **15 Review of Internal Transfer List**

- 15.1 The Association will review all applications on the Internal Transfer List on a yearly basis or sooner if necessary.

## **16 Monitoring and Reporting**

- 16.1 It is important for the Association through the Management Committee to establish whether the aims of the Internal Transfer Policy and Allocations Policy are being met. Regular monitoring and reporting of the Housing List, allocations, rehousing outcomes and benchmarking help to establish whether these aims are being met. This also assists review of performance indicators and targets and future policy reviews.
- 16.2 Scottish Social Housing Charter indicators relating to allocations and reported annually through the Annual Return on the Charter (ARC) requirements will also be provided to the Management Committee.

## **17 Review of Policy**

- 17.1 This policy will be reviewed every three years or sooner due to legislative, guidance or good practice requirements.