

Policy Register

Eildon Housing Association Ltd

ALLOCATION POLICY

POLICY REGISTER SECTION:	Housing Management Section 1
DATE POLICY LAST APPROVED BY COMMITTEE:	February 2009

REVIEW PERIOD:	Three yearly unless legislation or other substantive changes requires changes Annually
REVIEW DUE	August 2010
PERFORMANCE STANDARD:	AS1.1 - AS 1.

ACTIVITY STANDARDS

These Activity Standards set out the primary functional areas and activities that the Agency will regulate and inspect. Assessments should focus on:

- Outcomes;
- Achieving good practice; and
- How well the Guiding Standards are being met in each of the activities – for example, how well the Guiding Standard on equality of opportunity is being met in the activities that relate to the allocation of properties and the assessment of homeless applicants.

A copy of the Performance Standards (November 2001) is kept at the back of the Policy Register for reference.

ACTIVITY STANDARDS 1: HOUSING MANAGEMENT

- AS1.1 **Access to housing** We ensure that people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing.
- AS1.2 **Lettings** We let houses in a way that gives reasonable preference to those in greatest housing need; makes best use of available stock; maximises choice; and helps to sustain communities.
- AS1.3 **Tenancies** We offer the most secure form of tenancy compatible with the purpose of the housing. The agreement makes clear the rights and duties of the tenant and landlord. We act to uphold these rights and duties in a fair and responsible manner.
- AS1.4 **Housing support needs** We are responsive to people's individual housing support needs.

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Appendix to Allocations Policy

1. INTRODUCTION

Eildon Housing Association is a Registered Social Landlord providing a wide range of rented and low cost housing for those in housing need throughout the Scottish Borders.

The Association's development programme aims to satisfy these needs by locating new developments within existing communities to prevent the migration of individuals away from stable communities and those areas in which they would prefer to live. This is of particular importance in rural areas.

The principal aim of this allocations policy is to ensure the allocation of satisfactory housing to those with a clear and identifiable need at rents they can afford. In formulating this policy the Association has taken into account guidelines issued by the Housing Regulator and the Scottish Federation of Housing Associations, as well as all relevant legislation.

This policy is based upon the principles set out in the SFHA's Good Practice Guidance Manual, Raising Standards and complies with Performance Standards published by Communities Scotland, COSLA and the SFHA in 2006.

At a minimum we will comply with all relevant legislation including

The Housing (Scotland) Acts 1987 and 2001
The Homelessness etc (Scotland) Act 2003
The Race Relations Act 1976
The Sex Discrimination Act 1975
The Disability Discrimination Act 1995
The Human Rights Act 1998
The Management of Offenders (Scotland) Act 2005

2. CHOICE BASED ALLOCATION SYSTEM

Eildon participates in a Common Housing Register, under the banner of Borders Choice Homes, in partnership with Berwickshire Housing Association, Waverley Housing and in conjunction with Cairn Housing Association.

A choice based allocations system operates to allocate properties to applicants applying for housing. All properties available for let, with the exception of accommodation which is the subject of a lease or nomination agreement with another organisation, or subject of a Management Transfer (see Section 11) or where the service is registered with the Care Commission as a Care Home or Care at Home Service, will be advertised through the local press, on the Association's web site and at Association business premises and those of other RSL's participating in Borders Choice Homes..

3. OBJECTIVES OF THE ALLOCATIONS POLICY

The allocations policy is designed to meet the following objectives:-

- to be fair, efficient , transparent and consistent in allocating tenancies,
- to ensure accommodation is suitable for the applicant's housing need,
- to give priority to those applicants in greatest need (as contained in Section 20 of the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001
- to contribute to achieving stable and balanced communities,
- to make best use of the housing stock,

- to consider health and social factors and the capacity to improve an applicant's quality of life,
- to facilitate mobility for reasons of support.

4. EQUAL OPPORTUNITIES

In promising a policy of equality of opportunity and access to its housing, the Association will ensure no applicant for housing receives less favourable treatment on the grounds of age, disability, ethnic or national origin, family circumstances, marital status, political or sexual orientation, race, religion, religious or political beliefs or gender. Applicants are asked to provide details of ethnic origin in order that this section of the policy can be monitored although provision of the information is entirely voluntary.

5. WHO MAY APPLY FOR HOUSING?

Applications are accepted from any person or member of a household aged 16 years or older, who is in housing need.

No minimum period of residence is required.

No restriction is placed on acceptance of applications due to ability to pay or property ownership.

The right to be admitted to the housing list differs from the right to be allocated a property.

GENERAL PRINCIPLES

a. Housing Need

We recognise housing need through a system of Priority Passes which is explained below in Section 14.

b. Choice and Empowerment

We aim to maximize opportunities for access to housing and enable applicants to make informed choices. We aim to keep the service as straightforward and easy to understand as possible and to provide good information and advice so that applicants can make informed choices.

c. Schedule 7

Under the terms of Schedule 7 of the Housing (Scotland) Act 2001, we may grant a tenancy, transfer, shared ownership agreement or mutual exchange to a current or former employee or Management Committee member. The person concerned must meet our allocations criteria and their relative must have no involvement in, or influence over the allocations process.

All such allocations will be approved by a Management Committee member whose role will be to ensure that the allocation was made in accordance with our policy. All such allocations will be recorded in our Schedule 7 register and reported to the Committee of Management.

d. Sustainable Communities

We aim to assist in creating and maintaining communities that people want to move into and stay in. To achieve this we will avoid an over concentration of any particular group in any particular area. Wherever possible we will identify any imbalance and the action required to

address it., before a property is advertised and will include information about any criteria to be applied in the property advert.

Where an applicant is by-passed in the interests of assisting in maintaining/creating a sustainable community, we will always try to balance the interests of the individual with the interests of the community and will bear in mind the requirement to give reasonable preference to certain categories of applicant. Any such by passes will be recorded, with the reason on a standard form , submitted by the Housing Officer for approval to the Housing Services Manager or nominated substitute.

e. Mobility

We do not subscribe to any of the Mobility schemes which require payment for participation. Instead, with the individuals permission, we will publish our exchange register on our website and on that of Homehunt which operates in most local authority areas in Scotland. We will also support individuals who want to move to another local authority area by providing details of landlords in their areas of choice. We will also actively consider requests from other landlords throughout the UK to house applicants with high levels of housing need.

f. Confidentiality

We will treat all personal information as confidential and use it only for the purpose of our allocations policy. We will obtain or pass on information only in accordance with the declaration signed by applicants as part of the registration process or with the applicant's consent or if we are required to do so by law or by our regulators.

G. Appeals

Applicants have the right to appeal any decision made in accordance with this policy. Our appeal procedure is set out in Section 23 of this policy.

6. THE APPLICATION FORM/REGISTRATION FORM

To register with Borders Choice Homes, applicants must complete a registration form . Forms can be obtained in person at our office, by 'phone, on our website and the Homehunt website or from other Borders based RSL's or other agencies, including Citizens Advice Bureaux. Work is also on-going to enable applicants to register 'on-line'. Help is available to anyone who has difficulty completing the form. As the initial assessment of priority is based on the information provided by the applicant, efforts are made to follow up by letter or telephone any incomplete aspect of the registration to ensure that applicants less able or familiar with forms receive equal consideration. Where an applicant seeks re-housing on medical or health grounds, he/she will be required to complete a health self-assessment form which is automatically sent to all applicants.

7. HOUSING LIST

Applications are issued with a unique registration number which along with a password of the applicant's choice may require to be quoted in communication with Association staff. Applicants can begin applying for properties as soon as they are registered with the following exceptions –

a. Registrations on hold / suspended

An application may be suspended or put on hold when someone has been assessed for and accepted onto a housing list but advised that an offer of housing will not be made until

- i. a certain period has elapsed
- ii. their conduct has changed

iii. a change in circumstances has occurred

The Association aims to keep registrations on hold/suspended to a minimum, to be clear about when they will apply, on whose authority and for how long. Sign-posting to independent advice will also be provided.

Any decision to suspend an application will be taken on the basis of available factual information, with a clear documented audit trail. Any decision to suspend an application will be communicated in writing to the applicant, setting out who has made the decision, why the decision has been made, how long it will last, what action the applicant needs to take in order for the decision to be changed. Applicants will also be advised of their right of appeal against this decision.

b. Outstanding Tenancy-Related Debt

Applications may be placed on hold/suspended if the applicant has debt relating to a previous or current tenancy, of more than one twelfth of the annual amount owed for rent and/or service charges and/or other tenancy related debt and there is no repayment agreement in place and being adhered to. Where the applicant has been adhering to a previously agreed repayment arrangement for a period of three months or more the registration will not be placed on hold.

Where the arrears can be demonstrated to be as a result of errors made by housing benefit administration then the Association will ensure the applicant is assisted in managing this and will not preclude rehousing being offered.

c. Anti-Social Behaviour

Where on the basis of documented evidence, the Association, or another RSL or local authority, has initiated legal action to recover possession on the grounds of anti-social behaviour on Grounds 3, 4, 7 or 8 of Schedule 2, Part 1 of the Housing (Scotland) Act 2001, any application for rehousing by the tenant/s will normally be suspended, pending a conclusion to the legal action. Where the Association, or another landlord is seeking an Anti-social Behaviour Order (ASBO) which relates to the conduct of the tenant, applicant or anyone proposing to reside with them, any application for rehousing will normally be suspended until the application for it has been determined.

d. False or Misleading Information & Intentional Change of Circumstances

Applications may be placed on hold/suspended where an applicant deliberately gives false or misleading information or withholds relevant information or intentionally changes their circumstances in order to secure higher priority. Placing an application on hold will be for a period of two years during which time there will be an opportunity to reassess the application, taking account of the applicant's housing need.

e. Refusals of Offers of Accommodation

Registered applicants who refuse two reasonable offers of accommodation will be placed on hold for one year. Applicants using a priority pass to secure two reasonable offers of accommodation, will lose their priority pass but will still be eligible to one further reasonable offer of accommodation before also being placed on hold for one year.

8. HOUSING SUPPORT NEEDS

Where there are clear indications from an official source, or it is the considered opinion of our staff that an applicant would not be able to sustain a tenancy successfully, an application may be passed pending the outcome of a housing support assessment and setting up of an

appropriate package of support. Such by passes require to be approved by the Housing Services Manager or nominated substitute.

9. TYPES & SIZE OF HOUSE

Applications are held on a computer database, which records, type and size of housing required.

a. GENERAL NEEDS

All Eildon housing is classified by bedspaces required, from single person upwards. Double bedrooms can only be occupied by two persons under the following circumstances:

- adult couples over the age of 16,
- 2 children under the age of 8, of different sex
- 2 children of same sex

b. ELDERLY AMENITY HOUSING

This is specially adapted housing for older people linked to the Scottish Borders Council's Bordercare Community Alarm system, generally for single persons and couples over 60 years old.

c. SHELTERED AND VERY SHELTERED HOUSING

Sheltered housing is designed for older people who, while able to live independently benefit from a housing support and optional meals service. Very sheltered housing is similar to sheltered housing with a more extensive staff presence providing a higher level of housing support. The Association has very/ sheltered housing in Galashiels, Melrose Hawick .and Peebles

For sheltered and very sheltered housing consideration will also be given to the extent to which the applicant requires and would benefit from the support provided

c. HOUSING FOR PEOPLE WITH PHYSICAL DISABILITIES

The Association recognises that individuals in the community require access to housing which is suitable for those with physical disabilities, and their families, and endeavours to include this in each development where there is confirmed demand as evidenced through the occupational therapy service as well as from the housing register.. . Supplementary information from doctors, occupational therapists or social workers may be required to ensure 'best use' is being made of such features and adaptations..

In the event of the individual who requires the wheelchair adaptations no longer residing in the accommodation, the remaining tenant/s will be actively assisted by the Association to obtain alternative accommodation either within Eildon's own stock or by working in partnership with other registered social landlords.

Where there is a demand for such wheelchair accommodation the remaining tenant/s will be considered for a management transfer. Such situations will be handled sensitively by Association staff who will recognise that while the wheelchair adaptations are no longer required, other family members may well have lived there for many years in what has been their home too.

d. GARAGES

The Association has, available to rent a number of garages. Information on these will be communicated to Association tenants and sharing owners via, newsletters and mailshots. From this a 'waiting list' will be established with any vacancies normally being let to the person who has been longest on the list.

10. DECANT ACCOMMODATION

The Association reserves the right to use an unlimited number of properties as accommodation for tenants who need to be decanted on a temporary or permanent basis. If required, these moves will have priority over all other types of allocation or transfer.

11. MANAGEMENT TRANSFER

The Association reserves the right to utilise management transfers to offer a transfer of accommodation to an existing Eildon tenant outwith our normal allocation policy. Any such moves will require to be approved by the Housing Services Manager or the Director of Housing & Care. Such moves will be limited in their use and will relate to addressing serious issues and making best use of Association stock; such moves may be used to assist in addressing serious anti social behaviour and maximising the use of adapted properties.

12. SHORT SECURE TENANCY

Accommodation will normally be allocated on the basis of a Scottish Secure Tenancy (SST). In the following circumstances, a Short Scottish Secure Tenancy will be utilised in line with the provisions of the Housing (Scotland) Act 2001

13. ASSESSMENT OF HOUSING NEEDS

Eildon allocates around 200 properties each year to housing list applicants, including re-lets from existing housing and new lets.

With a few exceptions, the demand for housing is in excess of the available properties to let. Each application is therefore assessed with reference to housing need, on the basis of which Priority Passes may be awarded.

This can be broadly described as assessing housing need in 5 main categories:-

- a) homelessness,
- b) condition of property,
- c) health or medical needs in relation to housing,
- d) overcrowding or under-occupation
- e.) specific need to be in a community – social & environmental factors.

14. PRIORITY PASSES

Priority is awarded through a system of Priority Passes. All applicants will be encouraged to apply for priority, as appropriate to reflect their housing need.

There are three levels of Priority Pass – Gold, Silver and Bronze, with the table below showing which level may be awarded for each type of Pass. Only one pass can be awarded for one set of circumstances (i.e. if an applicant qualifies for two or more passes, only the highest level pass will be awarded).

Priority Type	Priority Pass Level		
	Gold	Silver	Bronze
Homelessness	x		
Health Assessment	x	x	x
Overcrowding		x	x
Under-occupation		x	
Unsuitable Housing		x	x
Specific Need to be in a Community			x

Priority passes are awarded for 6 months. If the pass has not been used when it could have been, then at the end of the 6 months it is lost. If no suitable properties have been advertised or bids for suitable properties have not been successful, then the priority pass is automatically renewed. The exception to this is under occupancy where the pass does not expire.

Applicants assessed by Scottish Borders Council as being statutorily homeless are, upon a referral from SBC, along with completion of BCH registration, awarded a Gold Priority Pass.

Priority Pass Definitions are contained in Appendix A

a. Intentional change of circumstances

If the Association is satisfied that the person has intentionally changed their circumstances in order to secure a higher priority, it may suspend the application.

b. Other factors which may be considered

Where applicants have the same priority the length of time the applicant has experienced housing need or been registered if no priority will be taken into consideration. Consideration will also be given to consideration the mix of tenants in a development; the alternative housing options available to the applicant, and to the length of time the applicant has experienced the housing need (calculated from date of registration or in the case of homelessness as evidenced by a section 5 referral which results in the award of a Gold Priority pass, by date order of the award of the priority).

15. NOMINATIONS & PROTOCOLS

Eildon, as part of Borders Choice Homes has a protocol with the local authority in respect of Section 5 (homeless) referrals. The Association, by virtue of section 5 of the Housing (Scotland) Act 2001 has a duty to provide accommodation for homeless individuals referred to it by the local authority unless it has ‘good reason’ for not doing so. The Association will work positively with the local authority and other partners to assist in preventing homelessness

The Association also has a nominations agreement with the Borders General Hospital Trust in respect of properties at 1-39 Huntlyburn Terrace relating to individuals who by virtue of their employment are key workers within the health care sector and require to be provided with accommodation at the Borders General Hospital.

16. ALLOCATION OF TENANCIES

Prior to making a formal offer of tenancy, a home visit will be undertaken to validate the information held and to discuss the potential offer. Landlord references will also be sought at this point.

a) Re-lets

When an existing property becomes available for re-let those applicants from the appropriate housing list with the highest number of points are contacted to see if they are still in housing need. The purpose of the home visit is to verify and update the information on the application forms; to discuss the applicant's housing needs against the available housing and alternatives; to clarify preferences; and to provide information on rents, benefits, etc.

The assessment may be revised following the home visits. An Offer of Tenancy will be made to the applicant with the greatest need as determined by the policy. An offer of housing may be withdrawn if relevant information had not been disclosed by the applicant.

The applicant will be invited to view the property before signing a tenancy agreement. An applicant will be given 3 days to respond to an offer of tenancy after which the offer may be withdrawn.

b) New Lets

For new developments in rural areas (i.e. all areas excluding Galashiels, Hawick, Jedburgh, Peebles, Kelso, Tweedbank, Selkirk and West Linton) 75% of the properties will be advertised and pre-allocated at the point the development contract is signed. It is anticipated that this measure will assist in providing earlier confidence to local communities that the Association is working to house those in housing need who seek to live in particular communities. Retaining a quarter of properties for later allocation will help ensure that account can be taken of changes in circumstances or lack of awareness of the development itself. This measure will also help ensure that where tenants have any particular requirements, which need to be taken account of at design stage, these can be followed through as part of the building work as a Stage II adaptation

Home visits will be carried out to direct applicants, transfer applicants with sufficient priority for the area and types of housing about to be completed. Following any revisions of priority following the visits, a short list of highest priority applicants will be made to whom offers of tenancy are proposed. Offers of tenancy will be made to those with the highest priority while also considering the particular social and support needs of prospective tenants to achieve a balanced mix of tenants within the new development. In order to assist with achieving a balanced mix of tenants needs within a new development, no more than 50% of allocations will be made to applicants with Gold Homeless priority passes.

c) Refusal of Offer of Tenancy

Registered applicants who refuse two reasonable offers of accommodation for which they have applied will have their application placed on hold for one year. Applicants using a priority pass to secure two reasonable offers of accommodation will lose their priority pass but will, however, be eligible, to one further reasonable offer, before being placed on hold for one year.

d) Previous Tenancies

Where an applicant has a current tenancy, or has previously held a tenancy, the Association shall, with the permission of the applicant, seek a reference from the present or previous landlord regarding the conduct of the tenancy

e) False Information

Applicants are required to declare on their application form that all information supplied is true and are asked to take care to submit accurate information about their circumstances. Should it come to the Association's attention that false or misleading information has been given, or information withheld in order to obtain a tenancy, action will be taken to recover possession of any property for which a tenancy has been granted.

Where the Association can demonstrate that an applicant has deliberately sought to distort or omit information to gain advantage (over other housing applicants) an application may be suspended and placed On Hold for two years.

f) Information to Committee Members

Statistical information on allocations will be provided -annually to the Committee of Management to allow it to monitor the implementation of this policy and be satisfied that performance standards are being met.

17. SHARED OWNERSHIP

The Association will, as far as possible, apply the assessment of housing need to applicants for shared ownership. However, there are other factors of which account needs to be taken in determining priority where demand for the properties exceeds supply. This is summarised below:

- a) Priority will be given to applicants whose total household income is such that they would not be able to buy a suitable new property in the normal way.
- b) Within the above category, particular priority will be given to:-
 - i) First Time Buyers - this may include applicants who were joint owners of property but who are being forced to sell because of marriage breakdown, etc.
 - ii) Public Sector Tenants, i.e. applicants renting property owned by Local Authorities, Housing Associations
 - iii) Public Sector Applicants, i.e. those on the waiting list of the above landlords.
- c) Applications will be accepted from those not in any of the above categories. Although they will be accorded lower priority, their present housing circumstances will be taken into account when their applications are assessed.
- d) Where there is more than one applicant for a property and they fall into the same priority category, the person whose application was received first will be offered the property.
- e) The Association considers that sharing owners cannot support rent and mortgage outgoings which exceed 40% of net household income. Offers to sell will not be made where this would be the case. The Association also wishes to ensure as far as possible the financial security of the applicant and will seek confirmation from employers concerning length of employment, security and annual income, with the consent of the applicant.

Shared Equity/Homestake is subject to separate criteria as published by Scottish Government.

18. EXCHANGES

The Association encourages requests for exchanges with tenants of local authority, housing association or other landlords where this will improve the housing circumstances of both parties. Conditions regarding exchanges are detailed in the Association's Exchange Policy. The key principles regarding exchange eligibility are that applicants will not be allowed to exchange if the following:

- 1.1 The Association does not have the written consent of all tenants involved in the exchange (this would include each joint tenant). Written consent will also be required from any person who has occupancy rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981. All those with tenancy or occupancy rights need to agree to the move.
- 1.2 The Association exchange applicant(s) has lived at their current address for less than a year. We apply this restriction as we aim to house applicants suitably in the first place. We may relax this eligibility criterion if there are urgent medical or social grounds for an exchange.
- 1.3 Either applicant has rent arrears or has other outstanding tenancy related debts (this includes legal fees and rechargeable repairs). This eligibility requirement may be relaxed if:
 - a. there are urgent medical/social grounds for an exchange
 - b. the arrears are caused by delays outside the exchange applicant's control e.g. the delayed payment of Housing Benefit
 - c. the arrears are under control, for example, the exchange applicant has made regular payments to reduce the arrears under a formal written agreement for the past three months.

If this exchange restriction is relaxed, then the exchange applicant(s) must agree in writing, before the exchange takes place, to pay these rent arrears after they have moved to their new home. The Association will take legal action to recover these arrears from tenants if they are not paid.

- 1.4 There is evidence that either party to the exchange has seriously breached their tenancy agreement in the last 12 months or is the subject of current legal action by their landlord for a breach of the tenancy agreement (this includes action for rent arrears). This is because an exchange to alternative accommodation would have the effect of ending the legal proceedings. An exception may be made where the exchange has been requested in order to relieve the problem which led to the breach of tenancy.
- 1.5 The condition of the current property (including any garden area) occupied by either party to the exchange is not of an acceptable standard as defined by the Association in its Lettable Standard document. Association tenants are expected to bring the property up to the acceptable standard and to carry out or pay for any rechargeable repairs before an exchange request is approved unless the incoming tenant is prepared to agree in writing that they will carry out the required work.
- 1.6 The exchanging tenants are not prepared to accept the condition of the other property as seen. The Association will carry out safety checks of the gas and electrical installations and of smoke alarms installed by the Association and will require to carry out an Energy Performance Certificate rating. Thereafter tenants exchanging must accept the property in its physical condition as at the time of the exchange. We will not carry out any repairs that are the responsibility of the current Association tenant.

- 1.7 The exchange will result in the under-occupation or overcrowding of a property taking future housing needs into account.
- 1.8 Either of the parties to the exchange do not need the adaptations or additional services provided (such as elderly amenity, sheltered or wheelchair adapted houses).
- 1.9 It is the professional judgement of Association staff that an exchange to a particular property is not in the best interests of either the exchange applicant or the Association. This situation will be discussed with the exchange applicants and the reasons explained before a final decision is made.
- 1.10 The Association receives an unsatisfactory landlord report for a tenant of another landlord. We also reserve the right to refuse permission for an exchange where we have concerns about the suitability of the incoming tenant or the ability of the incoming tenant to sustain a tenancy successfully. This includes the likelihood that, in the professional opinion of our staff, housing the exchange applicant will cause annoyance, harm or risk to Association tenants, staff or others living around or about.
- 1.11 The Association and the landlord of the other party (if relevant) have not agreed beforehand in writing to the exchange taking place.

19. SUCCESSION

The Housing (Scotland) Act 2001 provides for additional succession rights to a Scottish Secure Tenancy (SST) by a qualified person on the death of a tenant.

1. The first priority goes to (a) a tenant's surviving spouse or (b) co-habitee or (c) same sex partner. In the case of b and c, the house must have been the persons only or principal home throughout the period of 6 months prior to the tenant's death
2. The second priority, if no one in the above category qualifies or if the tenancy is declined by him/her goes to a member of the tenant's family aged 16 or over provided that the home was their only or principal home at the time of the tenant's death.
3. The third priority, if no one in the above category qualifies, or if the tenancy is declined by him or her goes to a carer who is providing, or who has provided care for the tenant or a member of the tenant's family at the tenancy. The carer must be aged 16 or over and have given up his or her previous only or principal home to be qualified to succeed to the tenancy.

In all of the above cases the house of the deceased person must have been the only or principal home for the qualifying person.

20. SUBSTANTIALLY ADAPTED OR DESIGNED HOUSES FOR THE USE OF PERSONS WITH SPECIAL NEEDS

Only spouses, co-habitees, same sex partners, joint tenants or persons with special needs can succeed to tenancies in this category. Others who would have succeeded, had the house not been substantially adapted or designed, do not have a right to succeed to the tenancy but have a right to suitable alternative accommodation. (Alternative suitable accommodation would be considered taking full account of Part 2 of Schedule 2 of the Housing (Scotland) Act 2001 which defines suitable accommodation.

21. CARERS

The Association would normally expect someone who is seeking to succeed to a tenancy as a carer would be able to provide details of the amount and type of care provided along with independent information from either the tenant's GP or social worker. The Association would normally also expect proof of entitlement to, or claiming of, any of the following benefits – disability living allowance, constant attendance allowance, attendance allowance, severe disablement allowance or invalid care allowance

The Association's Succession Policy contains fuller information on this issue.

22. ACCESS TO INFORMATION/CONFIDENTIALITY

The confidentiality of applicants' and tenants' personal information revealed in their registration forms, learned through interview or in contact with the applicant or tenant, will be scrupulously respected by any member of staff in possession of, or having access to, the information.

Under the Data Protection Act 1998 an applicant has the right to see any information stored about him or her on computer. The Association will respond to any request, to view the information held on computer, or to have sight of any personal records maintained by the Association.

23. COMPLAINTS AND RIGHT OF APPEAL

Complaints against Borders Choice Homes service in general will be acknowledged in writing within three working days of receipt and the complainant will be advised of the name of the person dealing with the complaint. A full response will normally be sent within 10 working days from the date of receipt of the complaint. If the complainant remains unhappy an appeal may be made to the head of service of the organization where the complaint originated. An acknowledgement of the first stage of the appeal will be sent within 3 working days of receipt, with a full response being sent within 10 working days in total. If the complainant remains dissatisfied a further appeal may be submitted to the Appeals panel of Borders Choice Homes. An appeals panel will be convened consisting of the Chief Executives of the two other organizations not previously involved in the earlier stages of the complaint. The complainant may address the appeals panel in person, or in writing setting out the grounds for the appeal. The appeals panel will send a written response within 15 working days of the second stage appeal.

Appeals against an award, lack of award or withdrawal of a priority pass.

Anyone wishing to appeal against an award or lack of award or withdrawal of a priority pass should raise the matter immediately with the Housing Services Manager or nominated substitute of the organization responsible for assessing and awarding the priority passes. Your circumstances will be reconsidered and you will be advised of the outcome within 5 working days of having asked for the reassessment. If the complainant remains dissatisfied a further second stage appeal may be made to the Housing Manager of one of the other two organizations operating within Borders Choice Homes who will independently reassess the circumstances. This decision will be final.

Any complainant who remains dissatisfied at the end of this process may refer their concerns to the Scottish Public Services Ombudsman, SPSO, Freepost EH641, Edinburgh EH30 BR, Email ask@spsos.org.uk Tel 0800 377 7330.

24. MONITORING AND REVIEW

The Role of the Committee

It is the role of the Committee of Management to oversee the Allocations function of the Association. Its role can be defined as having responsibility for:

- i. The formulation of the allocations policy.
- ii. Monitoring the policy and practice.
- iii. Ensuring standards are maintained and the Association meets COSLA/ Communities Scotland / SFHA performance standards.

The Association's Committee of Management will regularly monitor the effectiveness of this policy, through the presentation of an annual review of It will review the policy on a three yearly basis unless there are substantive legal or other reasons necessitating an earlier review.

Appendix to Allocations Policy

Definition of priority bands

a. Gold Priority

i. Homelessness

Persons nominated to Borders Choice Homes by Scottish Borders Council in accordance with the Section 5 Protocol.

ii. 'A' Grade health Assessment

Very High priority – Where an applicant has a health problem and is unable to return to their home, or unable to continue living in their own home because they would not be able to gain access to essential facilities unaided and/or they are at significant risk of doing so, or due to significant and enduring mental illness they are unable to return or continue to live in their current home and/or environment, and it is not practical to adapt their home to meet their needs.

b. Silver Priority

i. Significant Overcrowding

- Where the required number of bed-spaces exceeds the number available, then overcrowding exists. All rooms in the existing accommodation which are bedrooms, or could reasonably be used as such, and all persons living there, will be taken into account. Children up to and including the age of 15 of the same sex can share a bedroom. Children up to and including the age of 7 of different sexes can share a bedroom.
- Significant overcrowding priority is awarded where an extra bedroom is required, with the following exceptions –
 - Where a bedroom cannot accommodate two beds then it will be regarded as a single room, and classed as minor overcrowding (see c.1) if two people are using it. If the room is smaller than 50 square feet, or does not have natural lighting, it shall not be regarded as a bedroom available to the household.
 - All single people aged 16 and over require a separate bedroom. However, where overcrowding involves children of the same sex, at least one of whom is over 16, this is classed as minor overcrowding (see c.1)

ii. 'B' Grade Health Assessment

High Priority – where an applicant has a health problem and is living at home and they are unable to gain access to essential facilities unaided, and/or they would be housebound because they could not get out of their home unaided, or their mental illness severely restricts their ability to continue to live in their current home and/or environment and it is not practical to adapt their home to meet their needs.

iii. Unsuitable Housing (Higher Level)

There are two ways in which this pass can be awarded –

- The property is lacking one or more of the following amenities – piped water supply, inside water supply, inside flushing toilet, hot water supply, separate cooking facilities, fixed bath/shower.
- The property has been assessed by Scottish Borders Council to be below the 'Tolerable Standard'.

iv. Under Occupancy

This applies to tenants of the Association or a Registered Social landlord occupying houses with two or more bedrooms in any town or village in the Scottish Borders, and where one or more of these bedrooms is unused. The pass applies to transfers to smaller properties in any town or village, but may be used to transfer to similarly sized or

larger properties in other areas, as long as there are no applications from larger family groups for those properties.

c. Bronze Priority

- Minor overcrowding
 - ❖ Where the required number of bed-spaces exceeds the number available, then overcrowding exists. All rooms in the existing accommodation which are bedrooms, or could reasonably be used as such, and all persons living there, will be taken into account. Children up to and including the age of 15 of the same sex can share a bedroom. Children up to and including the age of 7 of different sexes can share a bedroom.
 - ❖ Minor overcrowding priority is awarded in all instances of overcrowding not covered by the Significant Overcrowding priority (see). Specifically this includes:
 - Where a bedroom cannot accommodate 2 beds then it will be regarded as a single room, and classed as minor overcrowding if 2 people are using it. If the room is smaller than 50 square feet, or lacks natural lighting, it shall not be regarded as a bedroom available to all the household.
 - All single people aged 16 and over require a separate bedroom. However when overcrowding involves children of the same sex, at least one of whom is over 16, this is classed as minor overcrowding.
- 'C' grade Health Assessment
Medium Priority – where an applicant has a health problem and is living at home and becoming less able to get out of their home unaided, or they are becoming less able to cope in their current home and/or environment due to their mental illness and it is not practical to adapt their home to meet their needs.
- Unsuitable Housing (lower level)
There are three ways in which this pass can be awarded:
 - ❖ The property is lacking one or more of the following amenities – wash hand basin, a fixed heating source (or only one fixed heating source in a property with two or more apartments).
 - ❖ The property has been assessed by Scottish Borders Council as being in 'severe disrepair'.
 - ❖ There is a combination of factors connected to the design, layout or location of the property, where the applicant can demonstrate that the housing is totally unsuitable for the household, and this situation is not covered by a health assessment or other priority group. Such cases could be assessed on an individual basis, with priority in these circumstances awarded only in exceptional circumstances, at the discretion of the Head of Customer Services/Housing Services Manager, following a recommendation from a Housing Officer or the Housing Assistant (BCH).
- Specific Need to be in a Community (and not falling into any other need category)
Specific need to be in a community is to recognize social need within a named community or communities. It will only be awarded where no other priority has been awarded. The Health Assessment process covers care and support needs, and so priority on these grounds cannot be awarded under this aspect of the policy, unless the applicant is moving to offer care or support. However it can be awarded where any one of the following circumstances applies:
 - ❖ Near amenities – where a move is necessary to promote or sustain independent living, and access to amenities such as shops and services are not reasonably accessible (for example, it is unlikely that a car owner would fit into this priority category).

- ❖ To offer care and support – where a move is necessary to offer a level of care and support where the need for support can be demonstrated (either in the opinion of the appropriate Housing Officer, or by support of a local GP or other professional), and where the recipient of the care or support would receive a grade A,B or C under the Association's health assessment scheme. The recipient must also confirm willingness to accept the support.
- d. Assessment of homelessness
- Scottish Borders Council will assess all instances of homelessness (unless it is appropriate for another Local Authority to make an assessment and make a subsequent referral to Scottish Borders Council), and provide temporary accommodation where appropriate. Priority will only be applied to homeless persons in accordance with homeless legislation.
- e. Health Assessments
- Health assessments are carried out geographically within the Scottish Borders (see unified Health Assessment procedure) by each landlord, the Housing Assistant (Post 2) in BCH is responsible for all Health Assessments submitted from out-with the Scottish Borders.
 - Where a health related benefit of moving is established and it would be impractical (because of the applicant's health) to move more than once, the assessor may take into account the overall housing situation in their assessment and grading.
- f. Assessment of overcrowding
- The Housing Assistant (Post 2) will carry out the overcrowding assessment, requesting a home visit from a landlord to assess levels of overcrowding if appropriate, and will award priority as outlined in b.1 and c.1.
 - The Association exceeds the requirements of the Housing Act in terms of its policy on this issue.
 - Only permanent residents will count in any assessment, with the exception of children who are attending a University or other residential college course or who are in the Forces, who will be counted as permanent members of the household if they were resident at the time they left home, and if they continue to reside at home during holiday periods.
- g. Assessment of Unsuitable Housing
- If the property is lacking any of the basic amenities, or an application is made for a discretionary pass, the assessment will be made by the Housing Assistant (Post 2) who may be passed to Berwickshire Housing staff if further investigation required.
 - An assessment can be made on behalf of BCH by SBC Protective Services Department.