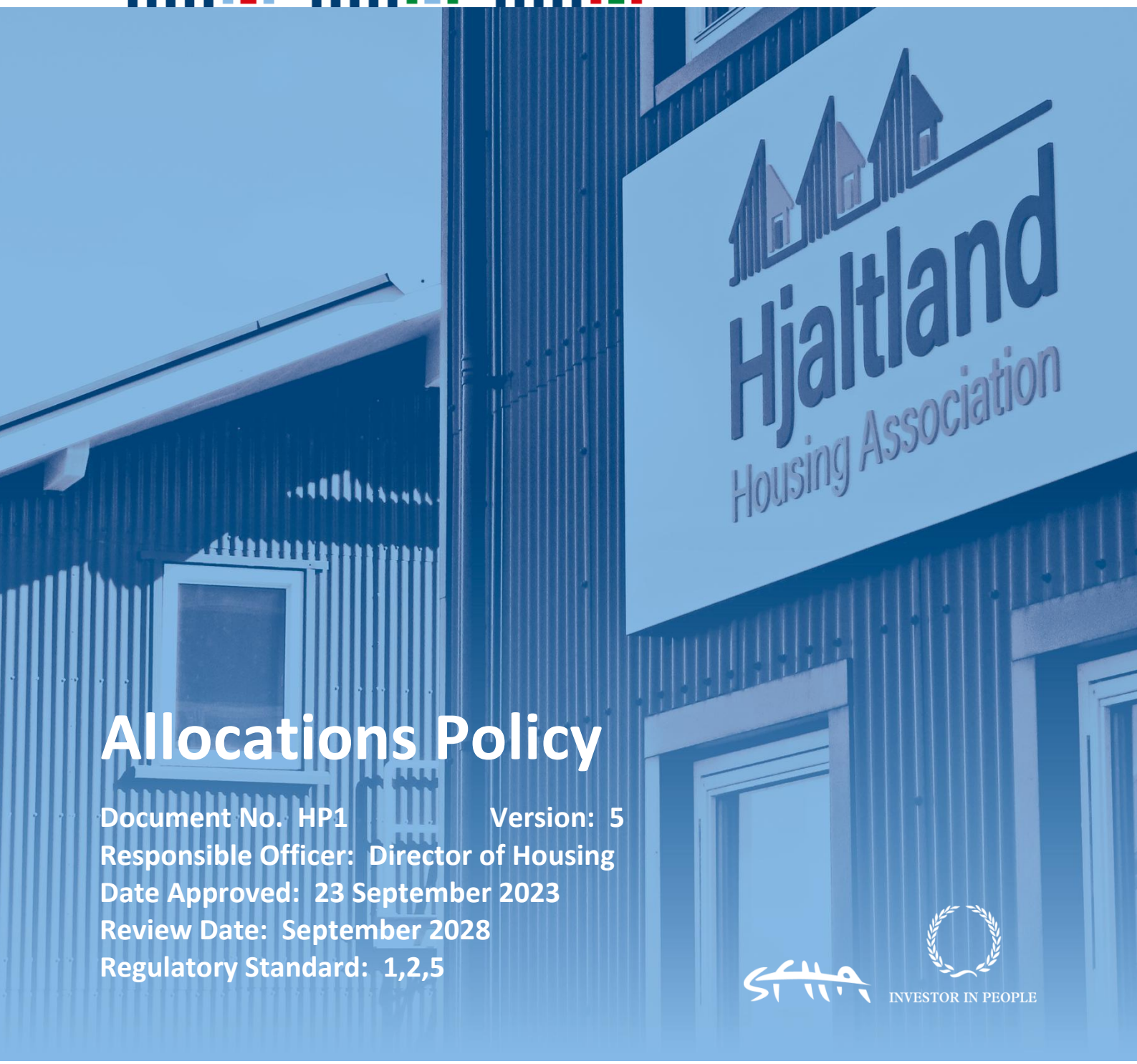
Tenant Focus Group
Approved

Hjaltland
Housing Association



Allocations Policy

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Hjaltland Housing Association

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1 Introduction

1.1 Hjaltland Housing Association Ltd ('The Association') is a Registered Social Landlord.

It is our Mission to 'provide high quality affordable homes and services in communities where people are proud to live and work'.

1.2 The Association will work with others, including the government, local authority, and communities throughout Shetland to ensure individuals and families succeed and reach their full potential.

1.3 This Policy sets out how The Association will ensure there is a clear and transparent way in which Association owned and co-owned properties will be allocated.

The Scottish Social Housing Charter states that social landlords must ensure that:-

- 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; and
- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

1.1 Aims & Objectives

1.1.1 The aim and objective of this Policy is to:

- Ensure that people have fair and open access to our housing register and assessment process;
- Allocate properties in a way which gives reasonable preference (priority) to those in housing need, makes best use of the available stock and helps to sustain communities;
- Ensure that allocations comply with relevant legal and good practice guidelines;
- Collect and analyse housing needs information and feed this back into the development programme;
- Ensure that allocations procedures are carried out effectively and efficiently to minimise void periods;
- Develop close inter-agency links to meet housing need, to tackle homelessness and meet other housing needs;
- Process applications to ensure confidentiality and access to information in line with legal requirements;
- Monitor performance in allocations and report to relevant stakeholders.

1.2 The Law & Good Practice

1.2.1 This Policy complies with current legislation, good practice and performance standards.

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1.3 Equal Opportunities

1.3.1 The Association shall strive to ensure equality of access in its allocation of housing, and by definition, that all individuals are treated fairly regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

1.3.2 In this regard, we acknowledge the protected characteristics and types of unlawful behaviour defined within the Equality Act 2010. As a minimum, all our practices shall aim to ensure compliance with the legislative provisions therein.

1.3.3 The exceptions to this are:

- Where it is appropriate to take disability or age in to account when allocating houses which have been specially built, adapted or designated for such groups;

1.4 Reasonable Preference

1.4.1 Reasonable preference refers to a level of priority given to applicants under certain circumstances. Through their allocation policy, social landlords must give a reasonable level of priority to those applicants who fall within one of the reasonable preference groups.

1.4.2 Allocation policies for social housing should ensure that homelessness is not the main way in which people access a social rented home. By giving an appropriate level of priority to those in urgent housing need through their allocation policy, social landlords can play a key role in preventing homelessness.

1.4.3 The Housing (Scotland) Act 2014 amended section 20 of the 1987 Act and sets out three categories of applicants who should be given reasonable preference in an allocation policy. These are:

- People who are homeless, or are threatened with homelessness and who have unmet housing needs;
- People who live in unsatisfactory housing conditions and who have unmet housing needs; and
- Social housing tenants who are considered to be under-occupying their home.

1.5 Complaints & Appeals

1.5.1 Anyone who feels that the Association has not complied with this Policy or anyone who wishes to raise a grievance about the handling of their application or an allocation may make a complaint using the Association's complaints procedure. A copy of the complaints procedure is available online at www.hjaltland.org or at the Associations office at 6 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ.

1.5.2 Where the Association decides to use statutory suspensions for applicants who are new to the list, applicants who are suspended on this basis (under section 20B) have a right to appeal to the Sheriff Court.

2 Applying for Housing

2.0.1 If you are interested in being registered on The Association's waiting list you must first complete an application form detailing your present housing circumstances.

2.0.2 Hjaltland Housing Association and Shetland Islands Council have developed a joint application form. This means that applicants who wish to be housed by either the Association and/or the Council only need to complete one form; this will then be copied to the partner organisation in line with data sharing protocols.

2.0.3 Applications can be obtained from

- Hjaltland Housing Association, 6 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ
- Shetland Islands Council, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ
- Online at www.hjaltland.org or www.shetland.gov.uk

2.0.4 The tenure type offered will normally be a Scottish Secure Tenancy (SST). However, in certain circumstances as later set out in this policy, the Association may decide to exercise its powers to let the property on a Short Scottish Secure Tenancy in accordance with the Housing (Scotland) Act 2014.

2.1 Admission to the Waiting List

2.1.1 In line with legislation, applicants who are 16 or over will be accepted on to the Association's waiting list. The application will be awarded points based upon the information provided in the application form. An applicant can only be included in one application form.

2.1.2 Any incomplete and/or unsigned housing application forms will not be processed but will be returned to the applicant advising what is needed to correctly complete the form and registration process.

2.1.3 As part of the awarding of points to your application you may be required to confirm or provide proof of your circumstances. Prior to the allocation of a property a home visit will be undertaken to confirm the details provided by you in your application. At this stage points may be removed or added depending on the circumstances.

2.1.4 The application will be awarded points based on the information provided in the application form. The applicant will receive written confirmation that they have been accepted on to the housing list and this letter will detail their total priority points and the groups under which they qualify.

2.2 Taking Property Ownership into Account

2.2.1 The ownership and/or value of heritable property can be taken into account in allocating social housing as per Section 5 of the Housing (Scotland) Act 2014. Heritable property includes land, as well as anything built on land, and can be property currently owned, or that has been previously owned, in Scotland, the rest of the UK or abroad.

2.2.2 This means that if the applicant, or a current or future member of the household, currently owns land or property or previously owned land or property, this can be taken into account when deciding on an applicant's priority for the allocation of social housing. This applies to existing tenants as well as new tenants.

2.2.3 The Association will, therefore, consider property ownership when assessing an applicant's housing needs and their circumstances and the applicant may be awarded a lower level of priority points if an applicant either owns their own current home or could reasonably occupy one that they own.

2.2.4 Property ownership will not be taken into account in the following circumstances:
In cases where the property has not been let, but the owner cannot secure entry to the property. This could, for example, be where it is not safe to enter the property due to severe structural faults or where there are squatters living in the property;
Where it is probable that occupying the property will lead to abuse from someone currently living in the property;
Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere;
Where occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by the applicant to prevent that danger.

2.2.5 The circumstances of each case will be considered and The Association may decide to allocate a property to an applicant who owns property. For example, where the applicant owns property but it does not meet their needs and they required to be rehoused urgently. In these circumstances the property to be allocated will be offered under a Short Scottish Secure Tenancy which will allow the person to make arrangements for the sale or installation of adaptations, which will allow the person's housing need to be met. **Any decision to do so must be approved by the Director of Housing.**

2.3 Lettings to Staff, Management Committee Members or Close Relatives

2.3.1 Any applicant who is defined as being a 'Connected Person' must complete full details in the declaration at the end of the housing application form and includes a relationship with any of the following:

a) A committee member or a former committee member (in the previous 12 months), or

b) A staff member or a former staff member (in the previous 12 months)

2.3.2 Connected people are defined as those in groups 1 and 2 below

Group 1 **Members of your household**	**Group 2** **Partners, Relatives and friends**

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Anyone who normally lives as part of your household, whether they are related to you or not, including spouses/partners who work away from home and sons and daughters who are studying away from home	This includes; • Your partner (if not part of household) • Your relatives and their partners • Your partner's close relatives (i.e. parent, child, sibling) • Your friends • Anyone you are dependent upon or who is dependent on you

2.3.3 Please refer to the Association's Entitlement, Payments & Benefits Policy. This policy states the Association's approach to managing lets to 'connected people'.

2.3.4 This does not mean they cannot be considered for an allocation but ensures that the necessary procedures are followed in accordance with the Scottish Housing Regulator's good practice and guidance.

2.4 Joint Applicants

2.4.1 Where a joint application is made by applicants currently living in separate accommodation, the application with highest housing need will be used. Where one applicant has a secure tenancy, this address will be used.

2.4.2 If a joint application is made then a joint tenancy agreement must be signed.

2.5 Change of Circumstances

2.5.1 It is important that you keep The Association updated of any changes to your circumstances as this may affect your pointing. This would include information such as:

- Change in the make-up of your family e.g. new partner, child etc.
- Change of address
- Any other information you feel may affect your housing situation.

2.5.2 Please inform The Association in writing of any change to your housing situation.

2.6 Review of your Application

2.6.1 Every 6 months from the date you originally applied we will write to you to ask you to confirm that you wish to remain on our housing list.

2.6.2 It is important that you contact us within 4 weeks of receiving the letter if you do wish to remain on the list.

2.6.3 In accordance with our data protection and information retention procedures your application will be cancelled and all information deleted if you do not confirm that you wish to remain on the housing list.

2.7 Data Protection & Confidentiality

2.7.1 We will gather, use and hold information in line with the requirements of the Data Protection Act 2018 and under the terms of the General Data Protection Regulations. Hjaltland Housing Association Limited will act as the "controller" of the personal information that you provide to us through your application and any direct communication.

2.7.2 **Contractual purposes**

We need to collect your personal information so that we can assess your eligibility for housing and manage your tenancy if successful.

We will use your personal information for the following purposes:

- consider your application for allocation
- manage your housing services and tenancy
- process payment of rent and service charges
- monitor your compliance with your tenancy agreement

If you do not provide us with all of the personal information that we need to collect then this may affect our ability to provide you with housing and manage your tenancy if successful.

2.7.3 **Legal obligations**

We are under a legal obligation to process certain personal information relating to our tenants for the purposes of complying with our obligations under:

- the Housing Scotland Act 2014,
- the Protection of Vulnerable Groups (Scotland) Act 2007, and
- the Equality Act 2010, which requires us to process personal information to make reasonable adjustments where necessary.

2.7.4 **Legitimate purposes**

We also process your personal information in pursuit of our legitimate interests to:

- issue communications to our tenants regarding services, etc.
- undertake research to improve our services.

2.7.5 In processing your application we will need to gather, confirm and hold information regarding your housing, social and medical needs. It is important that you are aware that we will undertake checks regarding your housing situation which may result in us sharing information with others such as:

- Your previous landlord
- Health Authorities, including your GP and NHS
- Social Work
- Law enforcement agencies such as the Police
- Environmental Health or other relevant organisation regarding antisocial behaviour.
- Government departments e.g. the DWP, HMRC and the Home Office
- MAPPA (Multi Agency Public Protection Arrangements) in the case of sex or violent offenders
- Those who provide services to The Association

2.7.6 We will not discuss your application with anyone else unless we have permission from you or we are permitted to do so by law. Please note that where applicants have chosen to apply to both The Association and the Shetland Islands Council using the common housing application form, information regarding applicants will be shared between the two organisations for the purposes of processing an application.

2.7.7 You have certain rights to access the information held about you. If you wish to do this you can write to the Association requesting access to your file.

2.7.8 A copy of our Data Protection policy is available on our website, www.hjaltland.org, and at The Association's office.

3	**Allocation Process**
3.1	**Choice Based Lettings**

3.1.1 The Association operates a Choice Based Lettings (CBL) scheme. The Association will advertise properties to let in the Shetland Times newspaper and website, and on the Association's website, (www.hjaltland.org.uk) and the Association's social media platforms.

3.1.3 Applicants who are on our waiting list and who are interested in being considered for a property which is advertised must register an interest prior to the closing date as advised on the advert. Applicants can register an interest either in person at our office or by phoning our office on 01595 694 986 or emailing mail@hjaltland.org. Registers of interest are not accepted through Facebook or by other means. It is the applicant's responsibility to put their name forward for a property advertised. Another person can register an interest on behalf of an applicant if the applicant has provided us with permission for them to do so, e.g. a family member, friend or carer.

3.1.4 Properties advertised will detail:

- The address of the property
- The monthly rent and service charges due

- The property size and type, e.g. 3 bedroom, 5 person semi-detached house
- The Energy Performance Certificate rating (EPC)
- Who the property will be available for, e.g. Hjaltland or Shetland Island Council applicants along the points group
- The closing date and time for registering an interest in the property

3.2 Local Authority Nominations

3.2.1 The Association, in line with Scottish Government targets and a local agreement with Shetland Islands Council (SIC), aims to allocate 50% of its lets to nominees from the Council.

3.2.2 A copy of the Nomination agreement is available at the Association's Office upon request. Where a property is given to the SIC as a nomination, The Association will still advertise this to transfer applicants. Where an existing tenant applies, and has a significant housing need, The Association may consider offering the transfer applicant, and provide the next empty property to the SIC as a nomination.

3.2.3 The 50% target will be monitored throughout the reporting year, and The Association and The SIC will meet on a quarterly basis to review performance and discuss any operational issues that have been identified through the nominations process.

3.2.4 In line with the existing Nominations agreement between The Association and Shetland Islands Council, properties identified as SIC Nominations will be allocated in the following way:

1) SIC Housing will be advised of the property size, type and location. SIC housing will then put forward their preferred applicant, ensuring best fit for the property size, using the following principles;
2) In the case of SIC general needs lets, the **applicant with the most points in line with the SIC Allocation Policy.**
3) In the case of SIC homeless applicants, in **date order of their SIC homeless assessment**.

3.3 Section 5 Referrals

3.3.1 All unintentionally homeless households are entitled to settled accommodation. Local authorities have statutory duties to provide accommodation and/or advice to those who are homeless or are threatened with homelessness. RSLs also have duties under Section 5 of the Housing (Scotland) Act 2001 to house statutory homeless people. RSLs have to meet Section 5 requests from local authorities unless there are good reasons not to.

3.3.2 The Code of Guidance on Homelessness sets out the circumstances where an RSL may have good reason not to comply with a Section 5 request and the time period within which local authorities and RSLs should reach agreement. In summary, good reason is where:

- a RSL is unable to make suitable housing available within six weeks of the request; or
- the only housing the RSL has available is of a particular nature (for example sheltered housing for older people) and this is not suitable for the applicant.

3.3.3 There are no other grounds for an RSL to refuse a Section 5 referral. RSLs cannot use any other terms of their allocation policy for refusing to deal with a Section 5 referral.

3.4 Groups Plus Points Scheme

3.4.1 In the assessment of applications, the Association operates a groups plus points scheme, which gives priority to those in greatest housing need.

3.4.2 There are eight points groups:

1. **Sub-standard - including Mobile Homes**
2. **Sharing Amenities**
3. **Social Needs**
4. **Overcrowded**

4a. Under occupying

5. **Insecure Tenancies**
6. **Medical**
7. **Support**
8. **Local Connection**

3.4.3 Applicants are eligible to be awarded points from within any of the points groups, if they meet the relevant criteria.

3.5 Lettings Plan

3.5.1 The Association will, on an annual basis, develop a Lettings Plan, as part of its Business Plan for the coming financial year. The aim of this is to meet a range of housing needs and provide the detail on the percentage of properties that are to be allocated to transfers and general needs lets, along with the proportion to be let to each of the groups as specified at section 3.4 of this policy.

3.5.2 This enables The Association to meet a range of housing need across those who apply for housing with The Association.

3.5.3 A copy of the lettings plan is available from The Association's office upon request.

3.6 Size of Accommodation Offered

3.6.1 The size of accommodation offered is determined by the size of the applicant's household. The following size standards will be used;

3.6.2 Each member of the household should have their own single bedroom, except where the household includes:

a) A couple including same sex couples, single parent or pregnant woman in a double bedroom

b) Two children under five in a double bedroom
c) Two children of the same sex under the age of 15, where the age difference is less than 6 years in a double bedroom

3.6.3 The exception to this is;

- Where an applicant has contact with children who do not live with them permanently. In these circumstances The Association will take into consideration the level of contact and the number of children involved when deciding on the size of property that will be offered. For example, an applicant with irregular contact to 1 child may only be considered for a 1 bedroom property, whilst a parent with more equal parenting responsibilities may be considered for a two bedroom property
- Where an extra bedroom is required due to a medical reason – confirmation will be required from a health or social care professional with qualifications and experience appropriate to the areas of risk/need identified in the assessment.
- Where an extra bedroom is required for a carer where there is an assessed need for regular on-going sleepover care – confirmation will be required from a health or social care professional
- Where the property advertised is a one bedroom property with a double room, all single applicants will be considered for this.
- Where the property advertised is out with Lerwick, Scalloway, or Tingwall, and is a 3 person property, single applicants and couples may be considered. In this situation, the property will be allocated to the applicant with the highest point's total. Applicants who are offered a property larger than they require will be advised of potential additional costs such as rent, heating, council tax, and the implication of under-occupation charges, should they need to claim Universal Credit. Where an existing tenant is applying for a property larger than they require, any under-occupation points will be amended to reflect the number of bedrooms a move would free up – for example, a single person in a two bedroom house would be eligible for under-occupation points – these would not be applied where the applicant applies for another two bedroom house, thereby not downsizing.
- Where a household requires accommodation larger than our 4-bedroom, 6 person units, they will be considered for an allocation of a property of this size, as long as it does not lead to a breach of statutory over-crowding calculations. Any offer of accommodation will be made on the understanding no future work, such as an extension or loft conversion to create additional bed space, will be undertaken by Hjaltland Housing Association.

3.7 Mutual Exchange

3.7.1 The Association has adopted a Mutual Exchange Policy which is available from the Association's office or from our website. The Policy notes the mutual exchange process, contains an

application form and notes the grounds for refusing consent to exchange. Under no circumstances should tenants move before such consent is given.

3.7.2 The Association's tenants are permitted to apply to exchange property with other Hjaltland or Shetland Islands Council tenants or other social rented tenants in the UK.

3.7.3 All applicants who are party to a mutual exchange and are not already Hjaltland tenants must complete and return a housing application form. The procedures noted at 4.5 of this policy will apply where parties to the exchange are Registered Sex Offenders, violent offenders or from other potentially dangerous offenders.

3.7.4 Mutual exchanges between Hjaltland tenants and owner occupiers, sharing/co-owners or privately rented occupiers are not permitted.

3.8 Application Checks Prior to Allocation

3.8.1 The Association will undertake the following checks prior to the formal offer of accommodation:

- Home visit to confirm details on application form. Points may be added or removed to reflect the applicant's circumstances. Where points are removed this may result in the property not being offered to the applicant.
- A tenancy check will be sought from the applicant's current or most recent landlord. This will seek information about how the applicant has managed their tenancy.
- Rent Arrears – you may not be allocated a property if you or a joint applicant has outstanding arrears in relation to a property of which you were the tenant, including debt relating to rechargeable repairs and legal costs owed to the Association from a current or previous tenancy. The exceptions to this are where:
  - you owe rent equivalent to less than one month's rent; or
  - you have arrears but you have made arrangements with your landlord to pay the debt; and
  - you have made the agreed payments for at least 3 months; and
  - you are continuing to make those payments

  It is therefore important for you to make arrangements to pay off any outstanding debt that you owe your landlord.

3.8.2. Anti-social behaviour – you may not be allocated if you or a member of your household has acted anti-socially or have previous conviction. See Section 6 (Suspension from receiving an offer of housing) for further details.

3.8 Applicants Living Out-with Shetland and the U.K

3.8.1 If you are not currently resident in Shetland you will not be made an offer of accommodation unless you:

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- Are employed, or have been offered employment in Shetland – written confirmation will need to be provided. When considering if you can be allocated a property, we will carry out reasonable checks to confirm you are in employment or that you have been offered employment. For example we will contact your employer or your prospective employer.
- Wish to move to Shetland to seek employment - you will be asked to provide copies of correspondence relating to any job applications you have made or the contact details of your prospective employers. We may also take into account the type of employment you are seeking in relation to available employment in Shetland.
- Wish to move to Shetland to be near a relative or carer – written confirmation will be sought
- Have special social or medical reasons for requiring to be housed in Shetland – consideration will be given to the nature of the social or medical need and contact will be made with relevant agencies or persons in reaching a judgement about whether a move to Shetland is appropriate.
- Are subject to harassment and wish to move to Shetland – confirmation that you are being harassed will be sought from appropriate agencies including the Police, your existing landlord and the local Social Work department.
- Run the risk of domestic abuse and wish to move to Shetland – confirmation of your circumstances will be sought.

3.8.2 Anyone subject to immigration control must declare this on the housing application form and will require to be assessed in terms of the legislation and the Right to Remain.

3.8.3 Such applicants may remain on the Housing Register but will be required to provide evidence of status before eligibility for accommodation can be confirmed.

4 Allocation of Properties

4.0.1 In reaching a decision on the allocation of a property the following approach will be taken;

1) **Best fit** – all applicants who have applied for the property whose family make-up matches the size of the property advertised will be identified (accounting for exceptions listed in 3.6), then
2) **Group points will be considered** – those applicants with points in the points group advertised for the property will be identified then
3) **Total points will be considered** - the applicant with the highest overall points (which must include the priority points group advertised for the property) will be allocated the property.

In the event that applicants have the same points level the allocation of the property will be based on the date order of their application with the applicant who registered their application earliest being preferred.

4.1 Transfers for Existing Association Tenants

4.1.1 The Association is keen to ensure that existing tenants are given the opportunity to transfer to alternative accommodation where a need for a move is identified.

4.1.2 Existing tenants who wish to be considered for a move must complete a housing application form and will be pointed according to the points system contained within this policy. Transfer applicants will be entitled to 5 transfer points. These points will only be awarded where all members of the household are moving, and the property is being returned to The Association. Joint tenants who have experienced a relationship breakdown and are applying in their own right will be considered as a waiting list applicant.

4.1.3 When advertising properties through the Choice Based Lettings scheme the adverts will highlight that the properties are available to Hjaltland Transfer Applicants.

4.1.4 In the case of Transfer Applicants, in reaching a decision on the allocation of a property the following approach will be taken:-

1) **Best fit** – all transfer applicants who have applied for the property whose family make up matches the size of the property allocated will be identified (accounting for exceptions listed in 3.6), then
2) **Total points will be considered** - the transfer applicant with the highest overall points will be allocated the property
3) In the event that transfer applicants have the same pointing level the allocation of the property will be based on the date order of their application.

4.1.5 In order to ensure the best and most efficient use of the Association's housing stock, the Association reserves the right to allocate a property to a transfer applicant, in line with the Lettings Plan, even where their overall points is not greater than the general needs applicants who have applied.

4.1.6 The following conditions will apply:

- Transfers will not normally be considered where adaptations have been undertaken to their existing home to meet their, or a member of their household's housing need.
- The property must meet the Association's Lettable Standards
- The transfer must not result in overcrowding or under-occupancy of the new accommodation.
- The tenant must not be in breach of their tenancy conditions except in cases where the breach is the reason or part of the reason for transfer.

- The tenant must normally have a clear rent account or arrears of not more than one twelfth of the annual amount payable and have agreed and adhered to a repayment schedule for at least 3 consecutive months. However, where the arrear is caused by or is likely to increase due the Under-occupancy reduction imposed under Welfare Reforms a transfer may be granted.

4.2 Sheltered Housing

4.2.1 The Association currently has 13 sheltered properties. Applicants who are interested in being considered for sheltered housing must submit an application form and this will be pointed in line with this policy.

4.2.2 When a sheltered unit is advertised through the Choice Based Letting scheme it will be identified as a sheltered property. The successful applicant will be considered on the following basis:

1) **Best fit** – all applicants who have applied for the property whose family make up matches the size of the property advertised will be identified, then
2) **Total points will be considered** - the applicant with the highest overall points will be allocated the property pending a sheltered housing assessment being undertaken, then
3) Applicants who have selected sheltered housing as part of their housing application form. Sheltered housing assessment procedure to be followed to assess whether the applicant requires the support of the Housing Support Worker. Where support is required, the applicant will be offered the property.

4.3 Supported Living and Outreach Properties

4.3.1 Supported living and outreach properties ensure adults with learning disabilities and autism spectrum conditions have opportunity to live in an independent tenancy within the community. Allocations for such accommodation are made in line with the Nominations Agreement with Shetland Islands Council, and the Adult Services Department within Social Work will confirm an applicant's eligibility. All care and support is delivered by SIC Social Work.

4.4 Shared Ownership / Shared Equity Properties

Shared Ownership

4.4.1 Applicants who are interested in being considered for a Shared Ownership property (part mortgage/part payment to Hjaltland) must complete a housing application form, and then apply for any advertised shared ownership property they are interested in purchasing. Their application will be pointed in line with this policy. After the first year, sharing owners can increase their share 25% at a time, up to full 100% ownership. An owner will sign an Exclusive Occupancy Agreement, which will be renewed every 20 years. The home must be the applicant's only residence and they must not own another home. If the applicant does own

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another home, they are expected to sell this before purchasing a home under the scheme. Sharing owners are responsible for all repairs and maintenance to the property. Applicants will be required to obtain a mortgage or other such funds to facilitate the purchase of their share.

4.4.2 Any Shared Ownership properties that become available either as new lets or relets will be advertised under the Choice Based Lettings scheme. The property will be offered on the following basis:

1) **Best fit** – all applicants who have applied for the property whose family make up matches the size of the property advertised will be identified, then
2) **Total points will be considered** - the applicant with the highest overall points will be offered the property

Shared Equity Properties

4.4.3 There are two types of Shared Equity – New Supply Shared Equity (NSSE) and Open Market Shared Equity (OMSE). All Shared Equity properties work on the same principles that a percentage of the property is funded by The Scottish Government, and they retain an equity share, usually between 20-40%. OMSE is run nationally, via www.linkhousing.org.uk. NSSE properties may be created as part of any new development by The Association, and once sold to a new owner, the property will remain in the private sector. An owner of a shared equity property can also increase their stake in the property, up to and including 100% ownership.

4.4.4 Any New Supply Shared Equity properties that become available will be advertised in the local media and on the Association's website & social media channels. All parties wishing to be considered as a prospective owner will be asked to complete and submit a New Supply Shared Equity application form by the advertised deadline..

4.4.5 The Scottish Government have identified the following priority groups;

- First time buyers
- People living in social housing
- Household member with a disability
- People aged 60 or over
- Members of the Armed Forces
- Veterans who have left the armed forces within the last 2 years
- Widows, widowers and other partners of service personnel for up to 2 years after their partner has lost their life while serving

4.4.6 Where there are multiple priority applicants, the Association's allocation policy will be used to assess housing need and therefore identify the preferred applicant. In line with the Scottish Government guidelines, applicants are eligible to apply for a property one apartment size larger than they currently require.

Applicants must meet the financial criteria (this is generally an ability to raise a minimum 60% and maximum 80% of the property market value)

The Association reserves the right to offer the property to a transfer applicant who applies if this will make best use of the Association's stock.

4.5 Sex Offenders & Potentially Dangerous Offenders

4.5.1 The Association has a duty to co-operate with the Local Authority and Police where applications are received from Registered Sex Offenders, violent offenders or from other potentially dangerous offenders.

4.5.2 The Association will work in partnership with Shetland Islands Council's Criminal Justice Social Work Department, Housing Service Liaison Officer and Police on any risk assessment and action plan for such offenders seeking housing. Any allocation, including a mutual exchange, would only be made in accordance with agreed policy and protocols.

4.5.3 When it comes to the allocation of a property, the Association will work jointly with Social Work, the Police, and SIC Housing under the MAPPA (Multi-Agency Public Protection Arrangements). This will assess community safety issues and will determine whether a property is appropriate to be allocated to the applicant.

4.6 Prisoners

4.6.1 An application from an applicant in prison will be accepted and pointed in line with this allocation policy. All categories of points apply except for overcrowding points.

4.7 Special Cases

4.7.1 Where individual applications being considered for allocation fall out with the scope of this allocation policy, the Director of Housing or Senior Housing Officer will present the case to the Chief Executive.

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4.8 Pet Policy

4.8.1 The Association has adopted a Pets Policy which is available from the Association's office or from our website.

4.8.2 The main objective of the Pets Policy is to ensure that measures and procedures enable tenants to keep pets, whilst ensuring that others are not adversely affected by this. Hjaltland aims to encourage responsible pet ownership and ensure that issues of pet nuisance, cruelty or neglect are dealt with appropriately and effectively.

4.8.3 The policy specifies the following:

- Conditions under which tenants will be granted permission to keep pet
- Instances where permission will not be granted
- Action to be taken where conditions are broken

4.8.4 Applicants who are seeking to be housed with their pets are encouraged to read the Pet Policy. Permission in writing in advance of an allocation of housing is required.

4.9 Sensitive Allocations

4.9.1 Sensitive Allocations are used when it is necessary to deviate from our Allocations Policy. Instead of automatically allocating a property to the applicant with the highest housing need, as defined by our Allocation Policy, we will consider the suitability of the applicant for the property. This will be based on information we have about the applicant and on our knowledge of the property, its location and its neighbours.

4.9.2 We only use sensitive allocations in exceptional circumstances, and will make sure all decisions are accountable, transparent and monitored. We may use our discretion when identifying sensitive applicants or properties.

5 Summary of Points – Group Breakdown

Group 1 – Sub-Standard Accommodation

5.1.1 An applicant's accommodation will be considered to be sub-standard where it falls Below Tolerable Standard (BTS).

5.1.2 The tolerable standard sets out the basic requirements for a healthy safe home. It applies to all tenures and is as defined by section 86 of the 1987 Act and amended by section 102 of the 2001 Act and section 11 of the Housing (Scotland) Act 2006, or where it has physical short comings which are not defined as being in serious disrepair e.g. single glazing, draughts, dampness, difficult to heat.

Category Definition	Points

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The applicant lives in a property which has been inspected by Environmental Health Team and found to be Below Tolerable Standard (BTS), and a written report to that effect has been provided to the Association. (BTS is defined in the Housing (Scotland) Act 1987 as amended.)	**25**
The applicant lives in a property which although not BTS, is in a state of serious disrepair, as determined by Environmental Health and the Association is satisfied on the basis of the evidence provided that the repairs are uneconomical or impractical.	**15**
The applicant lives in a property, which although not BTS, is in a state of serious disrepair, as determined by Environmental Health.	**10**
The applicant lives in a property/mobile home/caravan which has physical shortcomings which are not defined as being in serious disrepair e.g. single glazing, draughts, dampness, difficult to heat.	**5**

5.1.3 Applicants are eligible to be awarded points from one category only.

5.1.4 MAXIMUM POINTS IN GROUP 1: 25

Group 2 – Sharing Amenities

5.2.1 An applicant will be eligible for points from this group if, in their present accommodation, the WC, kitchen or bath/shower is shared with people outside their own household.

5.2.2 **A household is defined as the people who you want to be rehoused with.**

Category Definition	Points
Applicant sharing private let or bedsit, including temporary accommodation & refuge accommodation	**20**
Applicant living with friends or relatives	**15**
Applicants living in an Institution (prison, hospital, & other care settings)	**15**
And in addition the following points are added if the applicant is sharing with 4 or more people not in their household	**5**

5.2.3 Criteria will be applied as follows:

a) Applicant must provide details on their application of which persons they are living with and their relationship to them.

b) Applicant must provide details on their application of the type of accommodation they reside in. Evidence may be required to confirm that they are residing in a private let e.g. tenancy/lease agreement, letter from landlord.

c) Applicant must provide details on their application of which persons they are living with and their relationship to them. Points will be awarded where they are sharing with 4 or more people not in their household.

5.2.4 **MAXIMUM POINTS IN GROUP: 25**

Group 3 – Social Needs

5.3.1 This group is concerned with social needs.

Category Definition	Points
Emergency response workers such as Fire Service, RNLI, on call hospital staff, ambulance, or ferry workers required to live within a certain area. This includes applicants already residing in the area who have to move accommodation, and require to remain in the location to continue to perform their role. (Evidence from employer may be sought) Applicant residing with an ex-partner, and is at risk of current and on-going Domestic Abuse. (Correspondence with support agencies such as Shetland Women's Aid, with permission, will be sought)	**25**
Applicants who are forced to move from a **property** due to continued racial or sexual harassment or anti-social behaviour. Applicants applying to move from an **area** due to being the victim of a serious sexual assault, or residing close to an ex-partner, where the applicant was a victim of Domestic Abuse. (Confirmation from partner agency may be sought).	**20**
Applicants who have to travel to their place of employment when they have no means of transport and there is inadequate public transport e.g. unsociable hours or a ferry journey is required. This can include attendance at support services such as The Eric Gray Centre. Applicants who are forced to move from an **area** due to continued racial or sexual harassment or anti-social behaviour. (Confirmation from partner agency may be sought)	**15**
Incoming Workers applying to move to Shetland – clear evidence of active employment offer will be required.	**10**

5.3.2 The categories of this group are mutually exclusive. Applicants will not be eligible to be awarded points from more than one category.

5.3.3 **MAXIMUM POINTS IN GROUP: 25**

Group 4 - Overcrowding

5.4.1 Applicants will be considered to be overcrowded where their present accommodation falls below the following occupancy standard:

5.4.2 Each member of the household should have their own single bedroom, except where the household consists of:

a) A couple including same sex couples, single parents or pregnant women in a double bedroom

b) Two children under five in a double bedroom

c) Two children of the same sex under the age of 15, where the age difference is less than 6 years in a double bedroom.

5.4.3 Points breakdown for overcrowding:

Living with people you want to be rehoused with	
1 bed space lacking	**5**
2 bed spaces lacking	**10**
3+ bed spaces lacking	**15**

Living with other people	
1 bed space lacking	**10**
2 bed spaces lacking	**18**
3+ bed spaces lacking	**25**

5.4.4 For the purposes of this policy, the following measurements will be used to calculate overcrowding;

Feet^2	**Meters^2**	**Bedroom size**	**Bed space**
50 > 70	4.6 > 6.5	Single (child under 10 only)	1
70 > 110	6.5 > 10.21	Single	1
110 >	10.21>	Double	2

5.4.5 Points will be calculated according to the size of the accommodation and the composition of the household and not according to the household's use of the existing space. Points will be capped to the re-housing requirements of the household applying to move – for example, a couple sharing with another household will be pointed to a maximum of over-crowding by 2 bed spaces.

5.4.6 Where we have child contact forms to confirm a child resides approximately half of the time with the applicant, the child will be considered as part of the household for the purposes of awarding over-crowding points.

Group 4a – Under Occupation

5.5.1 An applicant already living in social rented housing will be considered to be under occupying where, according to the occupancy standards detailed above there is surplus space in their present accommodation.

- 1 surplus bedroom **14**
- 2+ surplus bedrooms **25**

5.5.2 Points will be calculated according to the size of the accommodation and the composition of the household and not according to the household's use of the existing space. Points will only be awarded in this category where rehousing the applicant would free their current accommodation into the social rented sector.

5.5.3 **MAXIMUM POINTS IN GROUP: 25**

Group 5 – Insecure Tenancies

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5.6.1 This group is concerned with the degree of insecurity of the applicant's accommodation, and deals with applicants whose accommodation is short term or where there is a threat to or loss of that accommodation. Change order with most award first.

Category Definition	Points
1. Private rented accommodation with Notice to Quit (written evidence required) 2. Holiday let with Notice to Quit (written evidence required) 3. Tied accommodation with Notice to Quit (written evidence required) 4. Applicant with no fixed accommodation (we define this as "NFA" which differs from those in SIC homeless accommodation) – residing in a car, non-dwelling or moving between a number of properties. The 25 points are awarded as a provisional assessment. Final assessment would be based on the accommodation in which the applicant most commonly finds themselves. Where a property is identified the points relating to that property will be assessed. All other group points may be applied if applicable to an applicant assessed as NFA. 5. Owner occupier obliged to sell and unlikely to be able to buy suitable accommodation with proceeds and existing income. With fixed entry date (written evidence required). 6. Applicant living with friends or relatives with Notice to Quit (written evidence required). 7. Bed and breakfast/ lodging with board/ part board with Notice to Quit (written evidence required). 8. Applicant living in an institution with discharge date (Prison, hospital and other care settings) (written evidence required) 9. Applicant residing with ex-partner and at risk of homelessness due to Domestic Abuse. 10. Military personnel who are due to leave the service and can evidence this with a 'Certificate of cessation of Entitlement to occupy service accommodation' 11. Applicants accepted as homeless with Shetland Islands Council and not yet in a secure tenancy. 12. Care leavers making a transition from a corporate parent setting into a first independent tenancy. 13. Applicants residing in a refuge having fled Domestic Abuse	**25**
1. Relationship break-up (accommodation insecure) 2. Owner occupier **obliged** to sell and unlikely to be able to buy suitable accommodation with proceeds and existing income (written evidence required)	**20**
1. Private rented accommodation 2. Holiday let 3. Tied accommodation 4. Applicant living with friends or relatives 5. B&B or lodging with board or part board	**15**

6. Application living in an institution	

5.6.2 The categories of this group are mutually exclusive and applicants will not be eligible to be awarded points from more than one category.

5.6.3 Points are removed where a notice to quit date has expired and the applicant remains in the accommodation. The full award of 25 points will be added for a maximum of 6 months and will not be renewed i.e. – a subsequent letter from a parent asking to leave will not result in another award of 25 points. The exception to this is where there is evidence that a landlord is taking court action, in which case the points will remain in force until the decision of the court has been obtained.

5.6.4 **MAXIMUM POINTS IN THE GROUP: 25**

Group 6 – Medical

5.7.1 Applicants are awarded medical points where their current living conditions is affecting their health, and re-housing will improve their health condition. Applicants are asked to complete a separate medical assessment form, which will be assessed by a panel involving senior housing officers and occupational therapists. Medical applications will only be considered and pointed where the applicant has an established local connection to Shetland as detailed in section 3.8.

Category Definition	Points
Points award will take into account physical health, mental health and any learning disability. The panel will use this sliding scale to award medical points, but only where a move of accommodation would significantly help. The panel will consider the scope for adaptations to be completed within the existing property to alleviate the impact, if appropriate and feasible.	**10**
	15
	20
	25

5.7.2 **MAXIMUM POINTS IN THE GROUP: 25**

Group 7 - Support

5.8.1 This group is concerned with certain other specific reasons for an applicant wishing alternative accommodation

Category Definition	Points
Sheltered Housing applicant – points will be awarded for an applicant who has confirmed they require sheltered accommodation, and only applicable to sheltered properties advertised.	**25**
Child contact form specifying contact arrangements in which an average of at least three nights over the week to be spent with the applicant and current accommodation would not facilitate this.	**15**
General Needs Accommodation required to receive/provide support of family, friends, or social support groups, **OR** Child contact form specifying irregular contact arrangements eg holiday visits, every second weekend and current accommodation would not facilitate this (over-crowding points would not be applicable in this situation).	**10**

5.8.2 The categories of this group are mutually exclusive and applicants will not be eligible to be awarded points from more than one category.

5.8.3 Where an applicant indicates that they have child contact a child contact form will be sent to them. They are required to complete the form and then send this to their ex-partner who will be asked to confirm details regarding the contact arrangements. Where a form is returned without the signature of the ex-partner, we will contact them, sharing the form and ask them to verify the level of contact. This is explained in the Child Contact forms. Points will only be awarded where this information is provided. Where there is a conflict in the information provided the Association may contact Social Work to clarify the child contact arrangements. Points in the child contact categories are only awarded to an applicant where they are no longer residing in the family home.

5.8.4 **MAXIMUM POINTS IN THE GROUP: 25**

Group 8 – Local Connection	
Category Definition	**Points**
Where an applicant lives or works within the local area of the property they are applying for, they will be awarded 10 points. Community Council wards will be used to define local connection areas.	**10**

Applicants will be awarded points at the point of allocation, depending on the location of the property. These points will not show on points notification correspondence as they may not always be applicable.

6 Adapted Properties

6.1 New Builds & Existing Units

6.1.1 Where an existing Hjaltland tenant has specific need for an adapted property, The Association may give consideration to meeting their housing need through the adaptation of a new build property. This only applies where all reasonable alternatives have been exhausted, access to Stage 2 grant funding is available and when building warrants and construction timescales permit the changes.

6.1.2 The Association may adapt an existing property for an existing tenant, through 'Stage 3' grant funding where available. Further of stage 3 adaptations details can be found in the Associations Aids and Adaptations Policy which is available upon request.

6.1.3 The following procedure will be followed:

1) Person must submit a housing application and will be pointed in line with this policy
2) An Occupational Therapist report will be sought by the Association to determine the level and nature of adaptation required.

3) Where it is assessed by the Association that the level of adaptation required is significant or it is not possible to adapt the tenants existing property, then a new or existing property may be pre-allocated to enable the works to be undertaken.
4) This decision will be taken by the Director of Housing, and the Chief Executive.
5) The decision to alter a property will also depend upon the availability of funds to undertake the work required. Where funding cannot be secured the adaptation will not progress.

6.1.4 In terms of property adaptations, The Association's duty under The Equality Act 2010 is to its existing tenants. In circumstances where non Hjaltland tenants require a property to meet their specific needs, The Association will work with Shetland Islands Council to identify how this need can be achieved through the affordable housing supply programme. This may include allowing the council to pre-allocate a property through the existing nomination arrangement. This will only apply where all reasonable alternatives have been exhausted, access to Stage 2 grant funding is available and when building warrants and construction timescales permit the changes.

6.1.5 Such requests must be accompanied by an Occupational Therapist report as well as evidence of what alternative housing options have been considered and exhausted.

6.1.6 Adapted properties must fit The Association's stock profile requirements and consideration will be given to the properties size and geographic location as well as future demand for a property of that type and its future let-ability.

6.1.7 Under The Equality Act 2010, schedule 4, The Association has a duty to make reasonable adjustments where someone may be at a substantial disadvantage compared to people who don't have a disability. Reasonable adjustments do not include the removal or alteration of a physical feature, and as such, the following alterations would <u>not</u> be regarded as reasonable adjustments completed where it was deemed necessary for a prospective tenant to take up occupation of a property;

- Substantial alterations to external access
- Alterations to internal structure, including doorways or moving or removal of walls

6.1.8 Any significant adaptations may be separately considered and the availability of funding would be an important factor in assessing whether changes could be made.

6.1.9 The Association would make all reasonable adjustments it was required to make, such as the fitting of grab-rails, replacing of taps or door handles, along with making all information available in an accessible form, such as a translation into Braille or another language.

6.1.10 As adapted properties are vacated, The Association will make it clear in the advert for prospective tenants that adaptations have been completed, to ensure applicants who require this type of accommodation can readily identify the availability of this type of accommodation and may be given preference in any waiting list.

6.2 Recovering Adapted Properties

6.2.1 Some properties are designed or adapted to meet the particular needs of a tenant or a person living with the tenant. Sometimes that person moves to a different property or dies.

6.2.2 The Association will be able to apply to the Court to recover a property if it is not being occupied by anyone who needs the adaptations. The Association would only do this if we need the property for someone with specific needs for the adaptations. The Association will give notice to the tenant before applying to the court to do this and would offer suitable alternative accommodation and support with moving costs. The tenant has the right to ask the Court to consider whether our actions are reasonable and challenge the suitability of the alternative accommodation.

7 Suspension from Receiving an Offer of Accommodation

7.0.1 A suspension is when a social landlord decides that it will not make an applicant an offer of housing until certain circumstances have changed, conditions are met or a set period of time has passed. The applicant will remain on the landlord's housing list while suspended unless they ask to be removed from the list. The Association will review an applicant's eligibility for housing in terms of this suspension policy at the point of being considered for an offer of accommodation. Tenancy and reference checks will only be completed at the point of offer, therefore minimising the number of applications who may be suspended. Such is the length of time an applicant may have a live housing application, references may soon become outdated and require re-evaluating at the point of offer. The responsibility is on applicants to ensure they understand the reasons an application may be suspended, and take appropriate action to avoid suspension – i.e. – adhere to a payment plan if in arrears with an existing landlord.

7.1 General Applications List

The Association may suspend an applicant from receiving an offer for a maximum period of 12 months in the following circumstances.

7.2 Deliberate Worsening of Circumstances

7.2.1 Reasons for this decision may include but are not limited to:

- Giving up secure accommodation to move into insecure accommodation;
- Moving to a property which is unsuitable for social or medical reasons;
- Moving to a property which is in serious disrepair or below the tolerable standard.

7.3 False, Misleading or Withheld Information

7.3.1 Where it is confirmed that an applicant or joint applicant has withheld or has provided false or misleading information which is relevant to their housing need. A statutory suspension can only apply to a false statement made by the applicant and does not extend to a false statement by others on the application form and who will live in any property let to the applicant. The

Association will wish to look at the circumstances of each case rather than applying a blanket approach. For example, the Association might choose not to suspend if the false information does not affect the outcome of the assessment of housing need.

7.4 Rent or Other Housing Related Debts

7.4.1 Where an applicant or joint applicant has rent or other tenancy related debts. Tenancy-related debts can include such things as service charges, the cost of rechargeable repairs, the costs of clearing an abandoned house and storing furniture, and property management charges.

7.4.2 A landlord cannot suspend an application when either or both of the following apply:

- the rent arrears are not more than one twelfth of the annual rent (i.e. one month's rent)
- the applicant has agreed with the landlord an arrangement for paying the outstanding liability; and has made payments in accordance with that arrangement for at least three months; and is continuing to make such payments.

7.5 Anti-Social Behaviour

7.5.1 Where there is a current Anti-Social Behaviour Order (ASBO) against the tenant or a member of the household to be re-housed, an eviction in the last 3 years. The final criterion would have to be evidenced and legal advice sought on an individual case basis.

7.5.2 Where the applicant or someone who has lived with the applicant has been convicted of:
(i) using a house or allowing it to be used for immoral or illegal purposes,
or
(ii) an offence punishable by imprisonment which was committed in, or in the locality of, a house occupied by the person.

7.5.3 The Housing (Scotland) Act Section 20B (6)(a) states that landlords may impose a suspension where:
(a) the person has-

(i) acted in an antisocial manner in relation to another person residing in, visiting, or otherwise engaged in lawful activity in the locality of a house occupied by the person,
(ii) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person, or
(iii) acted in an antisocial manner or pursued a course of conduct which is antisocial conduct, in relation to an employee of the social landlord in the course of making the application.

7.54 The legal definition of anti-social behaviour is outlined in the Anti-social Behaviour (Scotland) Act 2004. The legislation says that a person is involved in anti-social behaviour if they:

"Act in a manner that causes or is likely to cause alarm or distress, or pursue a course of conduct that causes or is likely to cause alarm or distress to at least one person not of the same household as them."
"Conduct" includes speech and "course of conduct" is defined as being on two or more occasions.

7.55 The Housing (Scotland) Act 2001 gives criteria for landlords to use when considering court action for eviction based on antisocial behaviour and provides a useful framework for landlords to use when deciding whether to suspend based on antisocial behaviour.

7.5.6 The Association will consider:

- the nature, frequency and length of the conduct;
- the extent to which the conduct arises because of acts or omissions of people other than the tenant;
- the effect the conduct is having on other people; and
- any other action taken, or capable of being taken, by the landlord to address the conduct.

7.5.7 The Housing (Scotland) Act 2014 provides scope for granting Short Scottish Secure Tenancies (SSST) to situations where applicants or tenants have acted anti-socially in or near their home in the last three years or where there has been an eviction or ASBO issues in the last three years.

7.5.8 During the period of the SSST the Association is obligated to ensure that appropriate housing support is available to facilitate the conversion from the SSST to a full SST. This allows the Association to more closely manage the tenancies of those who have a recent history of ASB, with the ultimate aim of moving them into successful and sustainable Scottish Secure Tenancies (SST).

7.6 Previous Convictions

7.6.1 The Association will impose a suspension if the applicant or someone the applicant lives with or has lived with, has been convicted of certain offences and where those offences are associated with a residential property or the surrounding area.

7.6.2 This suspension will apply to a waiting list or transfer applicant from receiving an offer of housing where they, or someone they live or have lived with, have been convicted of a crime that has been committed in or near the property where they were a tenant or joint tenant.

7.6.3 The Association will wish to consider carefully the nature of the offence and whether the behaviour that led to a conviction has had an impact on the people living in, or in the locality of, the house before suspending on this basis.

7.6.4 If the Association chooses to include previous convictions within its suspensions policy, it can only use the reasons specified under section 20B of the 1987 Act. These are that the applicant or someone who has lived with the applicant has been convicted of:

(i) using a house or allowing it to be used for immoral or illegal purposes, or

(ii) an offence punishable by imprisonment which was committed in, or in the locality of, a house occupied by the person.

7.6.5 Punishable by imprisonment means that the offence carries imprisonment as a possible penalty. A prison sentence does not need to have been imposed for the conviction to be used as a valid ground for suspension. For example, a community payback order may be given by the criminal court as an alternative to a prison sentence.

7.7 Where an Applicant has Abandoned or Neglected a Tenancy

7.7.1 An applicant's previous tenancy has been repossessed when abandoned under section 18(2) of the 2001 Act. If a joint tenant, the tenancy would have been terminated by the landlord under section 20(3) of the 2001 Act.

7.7.2 This means that an applicant could be suspended if they had previously had a property repossessed by a social landlord because they had abandoned that property. It would apply whether they were the sole or a joint tenant.

7.7.3 The Association will also consider neglecting a property as a possible reason for suspension. Where the applicant was a tenant or joint tenant of a property for which a court has ordered recovery of possession on the ground of deterioration of the property due to neglect, or deterioration of furniture due to ill-treatment (paragraph 3 or 4 of schedule 2 to the 2001 Act).

7.7.4 As set out above, these reasons for suspension apply only to repossessions or orders for repossession of any social rented sector tenancy made in Scotland under the provisions of the 2001 Act. This means that landlords could choose to suspend an applicant who has abandoned or neglected another social landlord's property as well as their own.

7.8 Internal Transfer Applicants

7.8.1 The Association will suspend an internal transfer applicant from receiving an offer in the following circumstances:

- Where the existing tenant has rent arrears of one month's rent or above and they have not adhered to an agreed repayment schedule for a minimum of 3 months; **or**
- Where a Notice of Proceedings for rent arrears which exceed one months' rent is outstanding, the applicant will be required to have kept to a repayment arrangement for at least 3 consecutive months otherwise their application will be suspended until this criterion has been met.

7.8.2 Where an internal transfer applicant's current home does not meet our Lettable Standard the Association may suspend an offer of a transfer until such works have been carried out by the tenant. A copy of the Lettable Standard is available upon request.

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7.8.3 Applicants who are suspended from receiving an offer will be notified of this in writing with an explanation on the reasons. The suspension will normally be for a period of 12 months from the date of the deliberate worsening of circumstances. However, should the applicant's circumstances change during the period of suspension, their application will be reassessed and the suspension may be lifted. Applicants may appeal this decision using the Association's Complaints Policy, a copy of which is available upon request.

7.8.4 It will not be usual practice for the Association to remove applicants from the rented housing list, where this does occur, it will be confined to the following circumstances:

- The applicant has requested to be removed from the list;
- The applicant has not responded to the six month review process;
- The applicant is deceased

7.8.5 If imposing a statutory suspension under the Housing (Scotland) Act 2014, the Association cannot use the same evidence more than once to impose a suspension when it relates to the same application for housing. The Association will adopt this approach to also apply to non-statutory suspensions.

7.8.6 As an example, if the Association imposes a suspension because an applicant has abandoned a previous tenancy, it cannot suspend again using this reason once the initial suspension has come to an end. This applies to evidence relating to an applicant or someone it is proposed will live with the applicant.

7.8.7 The Association could however choose to impose a further suspension for a different reason. For example, it could impose a suspension for a previous conviction and once that suspension has expired they could immediately impose a suspension for a separate occurrence of antisocial behaviour.

7.9 Length of Suspensions

7.9.1 There is no maximum length for a suspension set out in legislation. However, the Scottish Government's Statutory Guidance makes it clear that statutory suspensions should not exceed three years.

7.9.2 Where applicable, rather than setting a specific time for the suspension, the Association will remove a suspension under certain circumstances. For example, where the applicant has existing rent arrears, the Association will remove the suspension once an applicant has made payments in accordance with an arrangement for at least three months and is continuing to make their repayments as agreed. Where a suspension is based on the condition of a transfer applicant's property, it will be removed as soon as the condition of the property has been improved to our satisfaction.

7.9.3 The Association can shorten or withdraw a suspension at any time where they feel that it is appropriate to do so. However, we will not vary a suspension in a way that lengthens it.

8 Advice and Assistance

8.1.1 Applicants should not hesitate to contact The Association if they require assistance in completing forms or wish to seek advice about the housing options available to them.

8.1.2 If an applicant requires a large print, on tape or Braille version of the policy the Association will arrange to make this available.

8.1.3 If an applicant requires assistance because their first language is not English the Association will make arrangements to either provide an interpreter or material in the appropriate language where required.

9 Performance Monitoring

9.1.1 The Association will report on the performance of its Allocation policy to the management committee twice per year.

9.1.2 Quarterly meetings will be held between Hjaltland Housing Association and Shetland Islands Council staff to assess the effectiveness of the nomination agreement. These meetings will also assess the effectiveness of the Section 5 protocol.

9.1.3 Performance monitoring will include:

- Number of successful nominations against target set overall
- Number of homeless and waiting list nominations against quota set
- Number of unsuccessful nominations
- Number of homeless or intentionally homeless applicants housed by the Association
- Number of potentially homeless applicants housed by the Association
- Access to the choice based lettings system, numbers applying and any identified difficulties for applicants accessing the system
- The effectiveness of joint working practices and any recommendations for change

10 Policy Review

10.1.1 This policy will be reviewed every 5 years or earlier if required due to a change in legislation or updated good practice.

10.1.2 The nomination arrangement between the Association and Shetland Islands Council will be reviewed annually.

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