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Additional information:

This Draft Allocations Policy is an appendix to the report entitled Housing Allocation Policy Review 2013/14 which is being submitted to the meeting of East Lothian Council on 25 February 2014.

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East Lothian Council
Allocations Policy

October 2013

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Urdu

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Punjabi

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Polish

Samorząd Regionu East Lothian dysponuje informacjami w Twoim własnym języku. W razie potrzeby zapewniamy również pomoc tłumaczy. Więcej informacji pod numerem: **01620 827199**

Chinese

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Bosnian

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Section 1: Introduction

This policy is the allocation policy of East Lothian Council. It describes how we let council houses and set priorities between applicants. It covers both housing list applicants and tenants wanting to transfer to other houses.

The allocation policy forms part of the Council's general policy framework. For example, the policy is linked to other Council strategies such as the Council Corporate Plan, Joint Futures and the Local Housing Strategy. The allocation policy is, therefore, of high importance in meeting strategic Council objectives.

East Lothian Council is referred to as "we" throughout this policy.

The allocation policy covers the following: -

Section 2 describes the specific aims and objectives of the allocation policy; these points are important as they regulate overall policy and practice.

Section 3 explains the main elements of allocation law that are included in the policy.

Section 4 explains the type of allocation system that we use and why.

Section 5 summarises the main housing needs factors and how we award points.

Section 6 describes what we mean by Specialist Property and how we allocate that property.

Section 7 explains Sustainable Communities and how local lettings plans will work to achieve a balanced community.

Section 8 describes how we manage applications and procedures used to implement the allocation policy effectively.

Section 9 summarises how we check how we are doing. This is carried out through our system of performance indicators.

Section 10 describes how applicants may appeal or make complaints if they are not happy with our decisions on allocations.

The appendices at the end of this booklet provide background information on specific issues dealt with in the allocation policy.

Section 2: Policy Objectives

2.1 The main points of our allocation policy are:

- meeting legal and good practice standards, in particular the range of housing needs specified in allocation and homelessness law
- delivering housing to applicants with different housing needs in order to achieve balanced and sustainable communities. This is a key action outlined in the Council Plan 2012 - 2017.
- working in the best possible way so we meet our required standards
- to assist in preventing homelessness in line with our Homelessness Strategy
- to ensure equal opportunities for all applicants through an in depth understanding of the needs of service users as part of the allocations process and a commitment to assess and review policies and practices to ensure that they meet the needs of all service users.
- allocating houses based on a detailed evaluation of housing need and demand. We will allocate houses based on both housing need and applicant choice
- making best use of the housing stock. We will promote tenants' rights such as the right to exchange homes. This can help tenants who may be living in a property that is now too big for their needs.
- working in partnership with other housing providers to tackle housing need, in particular the needs of homeless people
- providing applicants with detailed advice and information about their housing options
- processing applicants' personal details in line with legal obligations to ensure confidentiality
- informing applicants about our appeals and complaints system so that applicants can obtain a fair hearing if they are not happy with Council decisions
- checking how we work through performance indicators that cover all stages of the allocation process
- reviewing our policy every three years in consultation with tenants as well as other service users, for instance, housing list applicants

Section 3: Legal & Regulatory Framework

An allocation policy must meet specific legal requirements. Section 3 is a plain language summary of the main legal rules; it is not intended as a precise statement of the law.

The main law that deals with the allocation of houses is detailed in Sections 19 and 20 of the **Housing (Scotland) Act 1987** (as amended by the Housing (Scotland) Act 2001).

These rules deal with the following issues:

- admission to the housing list
- groups to receive reasonable preference when houses are let
- factors to be ignored when houses are let
- information and publicity, and
- housing information supplied by applicants

3.1 Regulatory Standards

Scottish Social Housing Charter

The Housing (Scotland) Act 2010 required Scottish Ministers to set standards and outcomes which all social landlords should aim to achieve, and to publish these in a Scottish Social Housing Charter. It is the responsibility of each landlord to meet these outcomes and standards. It is the role of the Scottish Housing Regulator to monitor and report on landlords' performance in achieving the outcomes and standards in the Charter. The Charter sets outcomes and standards that:-

- tenants can expect from social landlords, in terms of the quality and value for money of the services they receive, the standard of their homes, and opportunities for communication and participation in the decisions that affect them
- homeless people can expect from social landlords in terms of access to help and advice, the quality of temporary accommodation, and continuing support to help homeless people access and keep a home
- Gypsies/Travellers can expect in terms of the maintenance and management of sites

Each year social landlords must report their achievements in achieving or progressing towards the outcomes and standards to their tenants and other service users who use their services. East Lothian Council will publish its Report to Tenants/Service Users on its website at www.eastlothian.gov.uk

Further information regarding the Charter outcomes can be found in the Performance Management Section of this policy.

3.2 Admission to the Housing List

Any person aged sixteen years or over is allowed to register on the housing list. Applicants from EU countries who are employed or have a right to reside in this country, or who are normally resident in this country can also register on the housing list. Admission to the list does not mean though, that applicants have a right to be made an offer of housing. The priority given to individual applicants depends on how they are prioritised within our allocation system; this is explained in detail in Section 4.

3.3 Reasonable Preference

The **Housing (Scotland) Act 1987 (as amended)** tells us that certain sections of our community are to be given reasonable preference when allocating houses. Reasonable preference simply means the priority given to these applicants for housing.

These groups are:

(a) homeless people or people threatened with homelessness and

(b) people living in:

- housing below the tolerable standard
- overcrowded houses or in large families
- unsatisfactory housing conditions

3.4 Homelessness Responsibilities

It is important to stress that the **Housing (Scotland) Act 1987** also deals with homelessness law; and that applicants have specific housing rights under homelessness law.

Part II of the **Housing (Scotland) Act 1987** (as amended by the 2001 and 2003 Acts) sets out the powers and duties of local authorities in dealing with applications from people seeking help on the grounds that they are homeless or threatened with homelessness.

These duties include providing temporary or permanent accommodation where appropriate and, more generally, the duty to give advice and assistance to anyone threatened with homelessness.

The **Homelessness (Abolition of Priority Need) (Scotland) Order 2012** came into effect on the 31st December 2012 and means that all unintentionally homeless persons will be entitled to settled accommodation.

3.5 Circumstances Not Considered

The **Housing (Scotland) Act 1987** (as amended by the 2001 Act) tells us that we must ignore certain matters when selecting tenants; these are:

- the length of time applicants have lived in East Lothian
- housing debt for which applicants are not responsible. For example - rent arrears owed by a former partner
- former housing debt that has been cleared
- non-housing debt. For example - council tax arrears
- the applicants age, except for housing that has been designed or adapted for people of a certain age, such as sheltered housing
- the applicants' income or property owned, including income or property owned by other members of the household

3.6 Other Circumstances Not Considered

The **Housing (Scotland) Act 1987** tells us that we must also take no account of whether an applicant lives in East Lothian if the applicant:

- is employed or has been offered employment in the area
- wishes to move into the area to seek employment and we are satisfied that this is the case
- wishes to move into the area to be near a relative or carer
- has special social or medical reasons for needing to be re-housed in the area
- is subject to harassment and so wants to move into the area, or
- runs the risk of domestic violence and so wants to move into the area

The law also covers three specific requirements that we must **not** impose, namely that:

- applications are in place for a minimum period
- a divorce or judicial separation is obtained, or that
- applicants live apart from someone else before they are considered for housing

3.7 Housing Information Supplied by Applicants

Applicants are entitled to view personal information supplied in connection with their application for housing. This is a right contained in the **Housing (Scotland) Act 1987**.

They are also entitled to access personal information as permitted under the **Data Protection Act 1998**.

We provide this information, on request, within **forty** working days.

3.8 Tenant Consultation

The **Housing (Scotland) Act 2001** states that landlords must consult with tenants and registered tenants organisations on proposals that affect them, such as housing management and related standards of service. The **Housing (Scotland) Act 1987** states that any changes must be made publicly available within six months of the alteration being made - this is a legal requirement.

The allocation policy is an important housing management policy. It is critical that we involve tenants and other service users in its development and implementation. Information regarding the allocations consultation process is available separately.

3.9 Equalities Issues

All applications to the housing list will be handled in a non-discriminatory way. This takes account of our duties under relevant equal opportunities legislation, for example:

The Equality Act 2010 means to ensure that everyone has the right to be treated fairly. It protects people from discrimination on the basis of certain characteristics - known as 'protected characteristics'. These are age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sexual orientation; sex; marriage and civil partnership.

The Equality Act places a general duty on East Lothian Council to ensure that our services are designed to meet the diverse needs of the community and that we build inclusive services. The duties include the responsibility to eliminate unlawful discrimination, harassment and victimization, to advance equality of opportunity and to foster good relations.

East Lothian Council's Equality Plan ensures equal opportunities for all applicants through a solid understanding of the needs of service users as part of the allocations process and a commitment to assess and review policies and practices to ensure that they meet the needs of all service users.

It should also be noted that the Housing (Scotland) Act 2001 requires both Registered Social Landlords and Local Authorities to follow Equal Opportunities law.

In line with East Lothian Council's positive approach to achieving equal opportunities, an Equalities Impact Assessment was carried out on this policy in January 2013. For a copy of this assessment please email policy@eastlothian.gov.uk

Section 4: How our Allocation System works

When an application for housing is registered, this is only the beginning of the process. The landlord must assess that person's need and prioritise that need in accordance with legislation and the landlord's published rules or allocations system.

Our main policy objectives are detailed in Section 2. In line with these objectives, we have established an allocation system that:

- meets housing needs as specified in law
- ensures that offers are based on applicants' stated preferences
- addresses local needs in the interests of achieving balanced and sustainable communities

This section now explains the:

- type of allocation system selected
- definition of housing need
- housing groups
- elements of housing need

4.1 The Groups Plus Points System

The groups plus points system involves having separate groups to meet specific needs. Applicants are then placed in the appropriate group(s) depending on their application details.

East Lothian Council has four groups in its allocations system.

- Transfer
- General Need
- Specialist/Adapted Property
- Sustainable Communities

Every year the Councillors in the Cabinet will decide the allocation targets for each group. This allows the Council to be responsive to the changing patterns of housing need by amending targets for individual groups.

Applications will be pointed according to their housing need. (See Section 5).

When a property becomes available, it is automatically placed against one of the four groups. This is in accordance with the agreed allocation targets or by the nature of the property itself, for example, sheltered housing. For Transfers, General Needs and Specialist/Adapted Properties an offer of housing will be made to the applicant with the most points. For Sustainable Communities other rules apply (See Section 7).

Applicants can be placed in more than one group e.g. an applicant may be in the Transfer group, as an existing Council tenant, and also appear in the Specialist/Adapted Property group to reflect their need for sheltered housing. Similarly, an applicant may be in the General Needs group with low housing needs, but also appear in the Sustainable Communities group for consideration.

4.2 Why Groups Plus Points was Chosen

The groups plus points system was selected for the following reasons:-

- It allows us to address the housing needs of the main legal groups as outlined in Section 3.
- It means we can meet a varied range of housing needs; this, in turn, supports our policy objective to promote sustainable communities.
- The system allows us to base offers on applicants' choices as well as their levels of housing need.
- This system was chosen because it allows the Council to set and review targets and monitor activity against each group as well as individual allocations. This allows the Council to be responsive to the changing patterns of housing need by amending targets for individual groups.
- It gives us an accurate identification of a wide range of housing needs. This lets us respond quickly to changing patterns of housing need by amending targets of lets for individual groups.

4.3 Groups Plus Points System: Specific Issues

If applicants share the same points, we decide priority based on date of application.

We set targets of numbers of houses to be allocated to each group based on a detailed needs assessment (Section 5.2).

Targets are subject to ongoing review in the light of changing levels of need and demand.

Applicants can choose where they want to live from any of our letting areas, as well as define their preference by house type.

4.4 Housing Groups

The groups that we have adopted cover those specified in law as well as other needs.

Targets for all groups should be set at such a level that allows the Council to demonstrate through the core policy that it gives reasonable preference to those identified as being in housing need as defined by legislation.

- **Transfer**

This group consists of applicants that are already tenants of housing provided by East Lothian Council. These applicants may need to move either to larger or smaller properties, to a different type of property or to a different area.

- **General Needs**

This group consists of those that are not currently tenants of East Lothian Council but may be living with family or friends, occupying private rented accommodation, tenants of other Registered Social Landlords or owner-occupiers. It also includes those that are homeless or threatened with homelessness.

- **Specialist/Adapted Property**

Applicants in this group require a particular property type due to their particular housing needs, for example, a ground floor property for someone with Health and Housing needs. These property types include sheltered housing, amenity housing, the allocation of pitches for gypsies/travellers and property that has been specially adapted to meet particular needs.

- **Sustainable Communities**

One of the key objectives of the allocations policy is to help establish balanced and sustainable communities. This group consists of applicants that may not have a high housing need but wish to be considered for social housing. Points for housing need are not awarded within this group but the attributes of the applicant are considered, with the date of application determining priority.

East Lothian Council will look to this group when using local lettings plans to achieve balanced and sustainable communities. Any such properties will be identified by the Community Housing Manager in consultation with Councillors, and any local tenants and residents groups, within an annually set local lettings plan.

The points awarded in respect of individual needs factors are given in the Points Table contained in Appendix 4.

4.5 Occupancy Levels

East Lothian Council will generally allocate property according to the following occupancy levels.

Family Group	Size of Property
Single person	*Bed-sit or 1 bedroom
Couple/same sex couple	1 or 2 bedrooms
Single parent with access to a child/children from a previous relationship	1 or 2 bedrooms
Couple/same sex couple or Single parent with 1 child	2 bedrooms
Couple/same sex couple or single parent with 2 children	2 or 3 bedrooms
Couple/same sex couple or single parent with 3 children	3 bedrooms
Couple/same sex couple who have Children of different sex, one of whom is over the age of 10	3 bedrooms
Couple/same sex couple or single parent with 4 or more children	3 or 4 bedrooms

*The Council recognises that bed-sit accommodation might not fully meet the needs of housing applicants. Applicants who are allocated bed-sit accommodation from East Lothian Council can choose to remain on the housing list, retaining their original date of application.

Both approved foster carers and 'looked after' kinship carers will be entitled to apply for an extra bedroom to provide care for a child. This aligns with the Council's Corporate Parenting agenda.

4.6 Under Occupation Transfer Incentives

East Lothian Council aim to make best use of its housing stock. We encourage council house tenants to free up larger properties that are under-occupied, for example, a bedroom may no longer be used as children have left home. Incentives, including grants are available for those moving to a smaller property.

The level of grant payment will be set by the Council's Cabinet and regularly reviewed.

The grant is part of a package of incentives to meet the needs of tenants and ensure best use of housing stock.

4.7 Temporary Accommodation

Applicants who have been assessed by the Council as having a need for temporary accommodation and have stayed in temporary accommodation for more than six months will be given an additional award of points. This will help them to get a permanent offer of housing. This further award of points will not apply where the Council has no obligation to provide permanent housing.

Section 5: Needs Factors and How Points Are Awarded

The points table can be found at Appendix 4.

5.1 Definition of Housing Need

This policy is concerned mainly with addressing a range of housing needs. It is, therefore, important to explain what we mean by the term "housing need". This is essential too, for understanding how we set targets and prioritise among different needs.

In this policy, housing need is defined in relation to:

- legal standards such as standards concerning homelessness and the tolerable standard. The tolerable standard, for example, defines minimum acceptable housing conditions
- local professional standards such as our occupancy standard that we use to determine living space required by individual households
- social standards that take account of applicants' preferences and choice, for example, applicants who want to live near relatives

5.2 Housing Needs Assessment

Housing need, as defined above, covers both physical standards and social and environmental issues. Housing need is subject to development as standards evolve.

East Lothian Council will ask for evidence to verify the circumstances of the applicant before points are awarded and each case will be assessed individually.

5.3 Elements of Housing Need

The Groups Plus Points system involves the use of separate groups to meet specific housing needs. When a property becomes available, it is automatically placed against one of the four groups - in accordance with the agreed allocation targets or by the nature of the property itself, for example, sheltered housing. For Transfers, General Needs and Specialist/Adapted properties an offer of housing will be made to the applicant with the most points. For Sustainable Communities other rules apply (See Section 7).

Each housing needs factor is explained further within the following groups: -

- Transfer
- General Need
- Specialist/Adapted Property

East Lothian Council will verify the applicant's circumstances and each applicable element of housing need will be assessed on a case by case basis.

5.3.1 Transfer

- **Unsatisfactory housing**
 - Health Needs
 - Social Need
 - Two Tenancies for One
 - Housing Supply Points
 - Harassment
 - Discharge from Hospital
 - Discharge from Care Placement
- **Overcrowding / large families**
 - Overcrowding
- **Relationship Breakdown**
 - Relationship breakdown
 - Dispute with Partner - no rights to remain
 - Parents no longer willing to accommodate
 - Domestic Abuse
 - Young Person affected by Domestic Abuse

5.3.2 General Needs Housing

- **Unsatisfactory housing**
 - Health Needs
 - Social Need
 - Key Worker
 - Two Tenancies for One
 - Shared Amenities
 - Housing Supply Points
 - Harassment
 - Discharge from Hospital
 - Discharge from Care Placement
 - Lost accommodation in hostel, lodging house etc.
 - Discharge from Prison
- **Overcrowding / large families**
 - Overcrowding
- **Inadequate Housing /Tolerable Standard**
 - Inadequate Housing
- **Insecurity of Tenure**
 - Insecurity of Tenure
 - Action By Private Landlord
 - Mortgage Default
 - Loss of Tied Tenancy
 - Loss of Service Tenancy

- **Relationship Breakdown**
 - Relationship breakdown
 - Forced Division and Sale
 - Dispute with Partner - no rights to remain
 - Parents no longer willing to accommodate
 - Domestic Abuse
 - Young Person affected by Domestic Abuse

5.3.3 Specialist/Adapted Property

- **Unsatisfactory housing**
 - Health Needs
 - Social Need
 - Key Worker
 - Two Tenancies for One
 - Shared Amenities
 - Housing Supply Points
 - Harassment
 - Discharge from Hospital
 - Discharge from Care Placement
 - Lost accommodation in hostel, lodging house etc.
 - Discharge from Prison
- **Overcrowding / large families**
 - Overcrowding
- **Inadequate Housing /Tolerable Standard**
 - Inadequate Housing
- **Insecurity of Tenure**
 - Insecurity of Tenure
 - Action By Private Landlord
 - Mortgage Default
 - Loss of Tied Tenancy
 - Loss of Service Tenancy
- **Relationship Breakdown**
 - Relationship breakdown
 - Forced Division and Sale
 - Dispute with Partner - no rights to remain
 - Parents no longer willing to accommodate
 - Domestic Abuse
 - Young Person affected by Domestic Abuse

Summary Table - (please see need factor definition for further information)

Needs Factors		Groups	Transfer	General Needs	Specialist property
Unsatisfactory Housing	Health Needs				
	• Cat. A		✓	✓	✓
	• Cat. B		✓	✓	✓
	• Cat. C		✓	✓	✓
	Social Need		✓	✓	✓
	Keyworker			✓	✓
	Two Tenancies for One		✓	✓	✓
	Shared Amenities		✓	✓	✓
	Housing Supply (transfer & RSL tenants only)		✓	✓	✓
	Harassment		✓	✓	✓
	Discharge from Hospital		✓	✓	✓
	Discharge from Care Placement		✓	✓	✓
	Lost accommodation in hostel, lodging house, hotel			✓	✓
	Discharge from Prison - risk /needs assessment required			✓	✓
Overcrowding large families	Overcrowding (per bedroom short)		✓	✓	✓
Inadequate Housing	Closing Order		✓	✓	✓
Insecurity of Tenure	Private Tenancy with no Security of Tenure			✓	✓
	Action by Private Landlord			✓	✓
	Mortgage Default			✓	✓
	Loss of Tied Tenancy			✓	✓
	Loss of Service Tenancy			✓	✓

Relationship Breakdown	Relationship Breakdown	✓	✓	✓
	Forced division and sale of matrimonial home		✓	✓
	Parents no longer able/willing to accommodate		✓	✓
	Dispute with Partner - non violent. No rights to remain.		✓	✓
	Domestic Abuse	✓	✓	✓
	Young person affected by violence or abusive behaviour between parents		✓	✓

5.4 About Unsatisfactory Housing

What makes housing unsatisfactory may depend on the circumstances of the applicant. It may relate to the physical layout of the property which makes it unsuitable for their health needs; or the applicant may experience unsatisfactory living arrangements such as overcrowding.

5.4.1 Health Needs

Unsatisfactory housing has an impact on an applicant's health and well being. East Lothian Council uses a self-assessment process to determine priority based on health needs and unsatisfactory housing, known as a Health & Housing Assessment. This assessment allows the applicant to tell us more about their health and housing problem and how it affects the way they live at home. It will also help applicants to tell us why they think re-housing would make a difference to their health and wellbeing. Further information is available in the [Health & Housing leaflet](#) available from the Council's website www.eastlothian.gov.uk or the Health & Housing Panel procedures in Section 8.12.

- We ask the applicant to provide information from a health care professional to support their application.
- We may arrange a home visit by a member of the Community Care Team to assess whether aids and adaptations can be made to the existing property.

The Health & Housing Panel will award a priority based on the information provided. There is an appeal process should you disagree with the priority awarded and have further supporting evidence to submit to the Panel.

The priority awards are: -

Category A	80 points
Category B	50 points
Category C	6 points

Where applicants are awarded a category A health priority, their case can be referred to the Re-housing Panel for consideration for a further priority award. (See Re-housing Panel procedure in Section 8.11 or the [Re-housing Panel leaflet](#) available at www.eastlothian.gov.uk).

5.4.2 Social Need 1 - 300 points

Social priority is awarded where it is recognised that an applicant has an urgent need to be re-housed, but that they do not have sufficient housing needs points to be offered alternative housing e.g. extreme medical need. The decision to award social points is made by the Re-housing Panel. For further information, please see the [Re-Housing Panel leaflet](#) available at www.eastlothian.gov.uk.

5.4.3 Key Worker 80 points

Applicants currently living outwith the area who qualify for points in this category will have secured permanent employment in East Lothian and will be bringing a trade, skill or professional knowledge into the area that is not available locally. Proof of the skills shortage will be established with Jobcentre Plus. The applicant must provide written confirmation of the nature of their employment, including the location and start date. The acceptable distance travelled to work, in terms of mileage, is also a consideration. After checking this information, the Re-housing Panel will confirm whether a points award may be made.

5.4.4 Two Tenancies For One 80 points

Points are awarded in this category when an applicant, who is an existing East Lothian Council tenant, wishes to be housed with another East Lothian Council or Housing Association tenant living in East Lothian. An application should be submitted (if not already in existence) detailing the circumstances of both parties. All parties must normally live in East Lothian, and when the new tenancy is created, it will be in joint names. Points will be awarded once the circumstances of the applicants have been checked by us. Once an offer of housing has been made and accepted, both parties end their existing tenancies in favour of the offered new joint tenancy.

5.4.5 Shared Amenities 8 points

Sharing amenities points are awarded to applicants who share a kitchen and/or a bathroom with a person or family they do not wish to be re-housed with. This is provided the applicant is not the owner nor the tenant of the property, for example, a person who lives with parents in the family home or someone who lives with friends or relatives would qualify for sharing amenities points. This criteria will also apply for owners and tenants who share amenities and due to a relationship breakdown neither party can remain in the property.

**5.4.6 Housing Supply Points 20 points
per under-occupied bedroom**

These points are awarded to tenants of East Lothian Council, or tenants of other Housing Associations who have houses in East Lothian, who presently live in housing which is too large for their needs. For each bedroom that is not being used by the tenant, twenty under occupation points will be awarded per bedroom. For example, one unused bedroom would equal twenty points, and two unused bedrooms would equal forty points.

The household size must fit with the occupancy levels as set out in our core allocations policy and must not result in overcrowding.

This allows us to meet one of our key policy objectives in housing allocations, making best use of the social housing stock in East Lothian.

5.4.7 Harassment 80 points

Where an applicant is experiencing non-domestic violence or harassment, which includes harassment by reason of a person's religion, sexual orientation, gender, disability, race, colour or ethnic or national origin, that means that they cannot safely remain in, or return to their home - an additional award of points can be considered. East Lothian Council will investigate on a case-by-case basis and also ask for input and support from the local police or other relevant agencies. All information would be held in accordance with data protection and information sharing protocols.

5.4.8 Discharge from Hospital 80 points

Where hospital discharge is prevented due to unsuitable housing conditions, the applicant should approach the Health & Housing Panel for an assessment of their circumstances. Supporting evidence should be provided by the health care professional involved, stating why the property the applicant had previously occupied was unsuitable. We will look at aids and adaptations in the first instance, before making an award of priority.

5.4.9 Discharge from Care Placement 80 points

Applicants who are leaving a young persons/supported/residential care placement and moving towards independent living should approach the Re-housing Panel for an assessment of their future housing and support needs and an award of priority. See Re-housing Panel procedures in Section 8.11 for further information.

5.4.10 Lost accommodation in a hostel, lodging house, hotel etc. 8 points

Where the applicant is living or has been living in the above accommodation, where they have no legal right to remain and subsequently been asked to leave (not as a result of their behaviour), an award of points can be made. We will ask for evidence to verify the circumstances of the applicant and each case will be assessed individually.

5.4.11 Applicants Discharged From Prison 40 points

Applicants who are discharged from prison and are assessed as being unintentionally homeless will be considered in this category if their only, or principal, home was in East Lothian immediately prior to their imprisonment. They will also fulfill one of the eligibility criteria for local connection.

- you are employed or have been offered employment in East Lothian
- you are moving to East Lothian to find employment
- you are moving to East Lothian to be closer to a relative or carer
- you have special medical or social reasons for wanting to be re-housed in East Lothian
- you have experienced harassment or are at risk of domestic abuse in another area, and want to come to East Lothian to escape these risks

Applications will be activated when confirmation of the applicant's expected release date is received and will be treated as a general housing application. When the applicant is released, the application will be assessed on their housing circumstances at that time.

Where appropriate we will liaise with other agencies to undertake a risk/needs assessment and look to define the support needs of the applicant and each case will be assessed individually.

5.5 About Overcrowding & Large Families

5.5.1 Overcrowding 4 points per bedroom

This needs factor covers overcrowding and large families, which are two of the groups for which reasonable preference is recognised in housing law.

Overcrowding points are given for every extra bedroom that the applicant requires based on the occupancy levels set out below. Points are calculated based on the number of bedrooms that the applicant currently has for their own use, against the number of bedrooms that they require in accordance with the occupancy levels set out by the Council.

Four points are awarded for every bedroom the applicant requires, for example, one bedroom short equals four points and two bedrooms short equals eight points. Should the applicant experience extreme overcrowding, this means being two or more bedrooms short, they may wish to contact their local housing office and apply to the Re-housing Panel for consideration of a points award. See Section 8.11 Re-housing Panel procedures for further information.

Family Group	Size of Property
Single person	*Bed-sit or 1 bedroom
Couple/same sex couple	1 or 2 bedrooms
Single parent with access to a child/children from a previous relationship	1 or 2 bedrooms
Couple/same sex couple or Single parent with 1 child	2 bedrooms
Couple/same sex couple or single parent with 2 children	2 or 3 bedrooms
Couple/same sex couple or single parent with 3 children	3 bedrooms
Couple/same sex couple who have Children of different sex, one of whom is over the age of 10	3 bedrooms
Couple/same sex couple or single parent with 4 or more children	3 or 4 bedrooms

*The Council recognises that bedsit accommodation might not fully meet the needs of housing applicants. Applicants who are allocated bedsit accommodation from East Lothian Council can choose to remain on the housing list, retaining their original date of application.

Both approved foster carers and 'looked after' kinship carers will be entitled to apply for an extra bedroom to provide care for a child. This aligns with the Council's Corporate Parenting agenda.

5.6 About Inadequate Housing

This needs factor looks to award priority to those that occupy housing that is below tolerable standard; this standard is set out in Section 86 of the Housing (Scotland) Act 1987 as amended. A house meets the tolerable standard for the purposes of the Act if the house -

- is structurally stable
- is substantially free from rising or penetrating damp
- has satisfactory provision for natural and artificial light, for ventilation and for heating and has satisfactory thermal insulation
- has an adequate piped supply of wholesome water within the house
- has a sink provided with a satisfactory supply of both hot and cold water within the house
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house, or waterless closet
- has a water closet available for the exclusive use of the occupants of the house suitably located within the house
- has an effective system for the drainage and disposal of foul and surface water; in the case of a house having a supply of electricity, complies with the relative requirements in relation to the electrical installation for the purposes of that supply. The electrical installation is the electrical wiring and associated components and fittings, but excludes equipment and appliances, the relevant requirements are that the electrical installation is adequate and safe to use
- has satisfactory facilities for the cooking of food within the house
- has satisfactory access to all external doors and outbuildings

5.6.1 Inadequate Housing

80 points

Points are awarded when the property in which the applicant lives is lacking in certain facilities such as bathroom or hot water.

These properties will be inspected on request by our Environmental Health Department. They will determine what repairs are needed to bring the property up to an acceptable standard. They will be responsible for notifying the Landlord concerned and making sure that the repairs are

carried out. Improvement and Repair Orders/Notices may be served upon the Landlord. In this situation no points will be awarded to the applicant.

Some properties, however, may be deemed to be below tolerable standard, in which case the Environmental Health officer will serve a Closing Order. This will be confirmed in writing to the Community Housing Department and points will then be added to the housing application.

5.7 About Insecurity of Tenure

If you rent from a private landlord you have different rights in law to those renting from a council or housing association. Renting from a private landlord can give tenants less security, as the landlord can take action to end the tenancy and recover the property, for example, if he needs it for his/her own use.

The type of Notice to Quit that can be served depends on which type of lease agreement the tenant has. East Lothian Council provides information and advice on a range of housing options for those who may be homeless or threatened with homelessness.

5.7.1 Insecurity of Tenure (private rented sector) 8 points

The Council recognise the insecurity of tenure applicants in the private rented sector experience as they may be served Notice to leave their tenancy by the landlord. All applicants occupying this tenancy type will receive eight points to reflect this insecurity. (This award is in addition to points that may be given if a valid Notice to Quit is received by the tenant).

5.7.2 Action By Private Landlord 40 points

The law gives you certain rights depending on the kind of tenancy you have. For example, people renting from a private landlord have different rights to people renting from the council or a housing association.

Should a private landlord take legal action to repossess their property, in line with correct legal procedures, points may be awarded. The applicant needs to provide a copy of their lease together with the Notice to Quit and, where appropriate, a Repossession Notice (AT6) before loss of tenure points can be awarded. We will investigate the circumstances and each case will be assessed individually.

The Notice to Quit informs the tenant that the landlord wishes to bring the tenancy to end, but this document should also give the tenant some important legal information. East Lothian Council will advise on the validity of the Notice to Quit before an award is made.

5.7.3 Mortgage Default

40 points

Points may be awarded when an owner occupier loses their property, or is threatened with repossession by their mortgage lender, due to a change in the applicants circumstances e.g. the applicant is made redundant and the property is no longer affordable. Applicants should seek financial advice at the earliest opportunity. We will make sufficient enquiries regarding any change in the applicant's circumstances.

We will investigate each application and seek evidence of planned action being taken by the mortgage lender. Each case will be assessed individually on a case-by-case basis.

5.7.4 Loss of Tied Tenancy

40 points

An applicant will qualify for tied priority in the following circumstances.

- Retirement
- Ill Health
- Redundancy
- The tied tenant has died and the surviving partner has no rights to remain
- Relationship Breakdown - no rights to remain

In order to qualify for these points an applicant must provide proof from their employer confirming the status of the tenancy, the reasons that the tenancy is coming to an end, and the date by which the applicant must vacate the property. The Council will investigate the circumstances and each case will be assessed individually.

5.7.5 Loss of Service Tenancy - including Armed Forces

4 points per year to a maximum of 40 points

The applicant must provide written confirmation from their employer confirming the status of the tenancy (for those leaving the armed forces we ask for a Certificate of Cessation of Entitlement to Occupy Service Accommodation), the reasons that the tenancy is coming to an end, and the date by which the applicant must vacate the property. On receipt of this confirmation, the application will be activated and be awarded needs points for each completed year of service.

The following rules also apply:

- The applicant has a connection with East Lothian because the parents of the applicant and/or his/her family/partner live in East Lothian or
- the applicant must have resided in East Lothian immediately prior to joining the armed forces i.e. their last permanent address.

- Applications become active no earlier than 6 months before the applicant is discharged from HM Forces.

If an applicant does not receive an offer of housing in the six months prior to leaving their employer's accommodation and has to move into accommodation where they are living 'care of', or occupy a private rented short assured tenancy, they will still be entitled to points from the date they took up employers accommodation and, in addition, any points due in relation to their new address.

Service applicants who have access to other accommodation, which is suitable and adequate for their household, as defined under the terms of this policy, will be treated as general housing list applicants and their circumstances will be assessed as if they were living in that accommodation.

For example, suitable and adequate accommodation includes, but is not restricted to:

- An assured tenancy
- A short assured tenancy
- A secure tenancy with another local authority
- A property owned by the applicant and/or his partner

The rules in this section will also apply to a surviving partner who confirms that she/he has to leave tied accommodation because of a partner's death.

5.8 About Relationship Breakdown

When a relationship breaks down it is important to understand your housing rights and options. This will depend on whether you own or rent your home and the sort of relationship you are in. Appropriate advice should always be sought.

If you own a share of the family home you have the right to live there regardless of the legal status of your relationship. A court order would need to be obtained before these rights are affected.

If you are a joint tenant, you also have a legal right to remain in the family home, because of the tenancy agreement you have signed, not because of the legal status of your relationship.

Occupancy rights or the right to live in the family home once the relationship has broken down are automatic for those who are married to, or the civil partner of, the sole owner or sole tenant of a property. However, these occupancy rights will not apply indefinitely and appropriate legal advice should be sought.

If you are cohabiting or living with the sole owner or sole tenant of the

property, you will not automatically have occupancy rights to continue living in the home. You will have to try and establish these by applying to a court. Appropriate legal advice should be sought.

5.8.1 Relationship Breakdown 6 points

Applications from a partner/spouse/same sex partner living within the matrimonial home and wishing to be re-housed separately from their partner/spouse/same sex partner shall be considered eligible to enter the housing list whether or not the couple are separated or divorced. However, it will be normal practice to ask for evidence of separation or intended separation, prior to any offer and before any allocation proceeds. Such as confirmation from a solicitor of the irretrievable breakdown of their relationship - this information will be checked at the point of offer.

Where joint applicants subsequently wish to split into separate households a new housing application form maybe necessary for one or both parties.

5.8.2 Forced Division and Sale of Matrimonial Home 40 points

Where a relationship has irretrievably broken down, both partners have a legal right to remain in the home. An ex-partner cannot sell the home without the formal, written consent of the other partner. However, one partner may petition the Sheriff to force the sale of the matrimonial home. Appropriate legal advice should be sought.

Should this be case, the remaining partner may be awarded additional points to reflect the insecurity of this position. We would require written proof from a Solicitor to confirm this course of action.

We will investigate the circumstances and each case will be assessed individually.

5.8.3 Dispute with Partner (non violent) 20 points No rights to occupy

When a relationship breaks down, the co-habiting partner who does not have occupancy rights to the accommodation may be asked to leave. For example, the partner who moves into accommodation with an owner occupier or a sole tenant will have no rights in law to remain if the relationship should break down - unless they choose to pursue occupancy rights through a court of law. We need to fully check the circumstances before any priority may be awarded.

5.8.4 Parents/Relatives/Friends no longer willing to accommodate **20 points**

The applicant currently lives in a property with another person/s, where they have no legal rights to remain in the property and subsequently be asked to leave.

We would make sufficient and appropriate enquiries to prove the applicant's circumstances. When these investigations are completed points may be awarded.

5.8.5 Domestic Abuse **80 points**

Where an applicant (female or male) has experienced or is in fear of domestic abuse there are a number of options they may wish to pursue. For example, it may be possible to get an appropriate court order to stop the abusive behaviour and keep the abusive partner out of the family home or the applicant may wish to find somewhere else to live. An award of eighty points would be considered where it is unsafe for them to remain in their current accommodation. It is important that the applicant receives advice and support when pursuing either of the options open to them - this will depend on their circumstances.

East Lothian Council are able to advise of support agencies for both female and male victims of domestic abuse, e.g. Women's Aid, or other agencies that may exist to assist male victims of such abuse and offer support and temporary accommodation where necessary. All information is held in the strictest confidence and only passed on with the permission of the applicant. Each case will be assessed individually.

5.8.6 Young People affected by Domestic Violence **80 points**

Where a young person is the sole applicant and is a victim of violence or abuse within the home, or is affected by a violent or abusive relationship breakdown between parents, which makes it unreasonable for them to remain within the home - they can apply for an additional award of points. Each case will be assessed individually. We are able to offer support and advice on these issues. All information will be treated in accordance with data protection legislation.

Section 6: Specialist Property

Housing need is not limited to the above factors alone; applicants may have a need for particular house types or specialist properties.

Specific houses are designed or adapted to meet particular housing needs. These include houses for people of a certain age, or houses designed and/or adapted to meet particular needs. For example, houses to meet the needs of disabled people.

We provide information to all applicants of those properties to which this rule applies.

- Sheltered Housing
- Amenity Housing
- Gypsies and Travellers
- Adapted/Adaptable and Property suitable for Ambulant Disabled

6.1 Sheltered & Amenity Housing

6.1.1 Aims for Sheltered and Amenity Housing

- To meet the housing needs of applicants to East Lothian Council's housing list for sheltered and amenity housing
- Providing high quality housing accommodation, housing support and community services for older people where appropriate
- Ensuring the best possible use of this type of accommodation
- Supporting independent living

6.1.2 Admission to the Sheltered Housing List

People who are aged 60¹ or over can apply for sheltered housing. In the case of a couple, one partner must be aged 60 or over. Exceptions may be made where a person under the age of 60 would benefit from the features of the accommodation or those who have a need for particular support services. Such exemptions are made at the discretion of East Lothian Council.

6.1.3 Admission to the Amenity Housing list

People who are aged 60 or over can apply for amenity housing. In the case of a couple, one partner must be aged 60 or over. Exceptions may be made where a person under the age of 60 would benefit from the features of the accommodation and there is no demand for a particular scheme or house

¹ Section 20 (A) of the 1987 Act as inserted by Section 10 (4) of the Housing (Scotland) Act 2001

type within a scheme. Such exemptions are made at the discretion of East Lothian Council.

6.1.4 Housing Options for Older People

Not all applicants who meet the criteria for sheltered or amenity housing wish to be considered for this type of property. Sheltered or amenity housing is only one of the housing options open to older people. You may also wish to be considered for general needs housing or other types of specialist property.

Applicants entitled to admission to the list for sheltered and/or amenity housing are aged 60 years or over.

Applicants who do not meet the criteria above may still apply for housing, they will not however be allocated sheltered or amenity housing.

6.1.5 About Sheltered & Amenity Housing

Currently, all group housing schemes for people with particular needs, such as sheltered housing, are exempt under the Right to Buy legislation. This means the tenant cannot purchase them.

Sheltered housing consists of a 1 or 2 bedrooled, ground or first floor property. Where properties are over two storeys high, there will be a lift for the use of the tenants. Sheltered housing, as well as being designed to meet the particular needs of older people, has staff support for tenants available during the day - during working hours, and normally, communal facilities where you can meet neighbours. A community alarm system is installed.

Housing support provided by staff in Sheltered Housing is regulated under the Regulation of Care (Scotland) Act 2001 by the Scottish Commission for the Regulation of Care.

Amenity housing is groups or schemes of accessible 1 or 2 bedrooled properties. The design is based on the standards of the Council's general housing stock but will include some or all of the following features - lowered light switches, raised sockets, low radiant heat covers and/or a community alarm system. There is no warden on site to provide support to tenants, as this is a feature of sheltered housing only.

Aids and adaptations that may be required are assessed separately to meet the needs of the individual. Please refer to the Health & Housing in Section 8.12.

East Lothian Council reserves the right to return amenity housing to general needs use. Similarly, we also reserve the right to convert general needs

property to amenity housing.

Both sheltered and amenity housing aligns with our Older Persons Strategy.

6.1.6. How We Allocate Sheltered and Amenity Housing.

If you wish to be considered for sheltered and/or amenity housing, we will take into account your personal needs as well as housing need, for example, if you need help with bathing. Where applicable, we will also ask our Health & Housing Panel and Social Work Service to provide reports to help in selecting those applicants who will most benefit from the support and housing available.

Applicants who have high care needs will be considered for an offer of housing if their existing needs are supported or that the social work service agrees to put a care package in place to meet these needs. The impact that such an allocation may have on the health and welfare of existing tenants will be considered as part of the allocation assessment

To be considered for sheltered and/or amenity housing, your current accommodation should be unsuitable for your needs because of its location. For example - its distance from shops or public transport, or its inability to be adapted to suit your needs. Applicants should be able to live independently and may or may not have support needs, for example, older people and disabled people with access requirements.

When we allocate sheltered and amenity housing we will look at: -

- Points for housing circumstances
- Points for personal factors such as health needs, where appropriate.

Points are awarded for housing circumstances and personal factors such as health needs in order to allow the relative priority of different applicants to be decided for sheltered or amenity housing. Where two applicants have similar points levels, the date of application will determine priority.

6.2 Gypsies and Travellers

East Lothian Council, in conjunction with Midlothian Council, operates a 20 pitch site for Gypsies/Travellers. The site is managed by East Lothian Council on behalf of both Authorities. There is a separate Pitch Allocations Policy which is available at www.eastlothian.gov.uk or from our Housing Offices.

6.3 Adapted Property

Where a property has been adapted to meet the particular needs of a tenant - rather than remove these adaptations should the next tenant not require them - East Lothian Council will allocate the property to someone who has a need for those adaptations. In doing so, this allows the Council to make the best use of its housing stock and meet the particular needs of applicants.

East Lothian Council, for the purpose of this Policy, defines adapted property as having a ground floor bedroom and bathroom and one or more of the following adaptations:-

- Level access shower
- Ramped access
- Stairlift
- Fully adapted and accessible kitchen
- Any other significant adaptation costing more than £4,000

However, if there is no demand for this type of adapted property, the Council reserves the right to return it to general needs use. Similarly, the Council reserves the right to convert general needs property to specialist property when there is a level of demand to do so.

6.4 Adaptable Property

Adaptable property will be recorded as part of East Lothian Council's Void Process.

The property will be identified as appropriate for adaptation by the Community Housing Officer, Contracts Officer (Voids & Improvements) and Occupational Therapist (Housing) through the voids process and will have the following attributes.

- Ground floor bedroom and bathroom

6.5 Property suitable for the Ambulant Disabled

Property suitable for the ambulant disabled will also be recorded as part of East Lothian Council's Void Process.

- It does not meet the criteria of an adapted or adaptable property
And
- It has a ground floor bedroom and bathroom
And
- It is not ramped or rampable but is suitable for ambulant access for example: has 3 or less steps which are suitably graded and is not in a location that would restrict access e.g. on a hill.

6.6 The Allocation of Ground Floor Property

To enable the Council to meet the needs of applicants with a requirement for a particular house type i.e. ground floor housing due to assessed health/mobility needs, all suitable ground floor property will be offered in the first instance to those with a requirement for ground floor housing. These property types include those that are designated as *Adapted*, *Adaptable* and property suitable for the *Ambulant Disabled*.

However, if there is no demand for this type of property, the Council reserves the right to return it to general needs use.

Section 7: Sustainable Communities

By Sustainable Communities we mean places where people want to live and work, now and in the future. Communities that meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a higher quality of life.

The Sustainable Communities group recognises that in order to achieve a balanced community applicants with lower housing needs should be considered for social housing. Therefore, applicants offered housing from this group may not have high housing needs but will meet the criteria developed in a **local lettings plan**. All applicants that meet the local lettings plan criteria will be selected and the applicant with the **earliest date of application** will be made an offer of housing.

East Lothian Council's Cabinet sets percentage allocation targets for the Sustainable Communities group and lettings plans on an annual basis and this lettings plan will operate within those targets.

7.1 Local Lettings Plans

Our allocation policy promotes the introduction of local letting initiatives in order to meet the following objectives:

- delivering good quality, sustainable and affordable housing
- regenerating our communities
- building safer communities by tackling anti-social behaviour
- tackling poverty and helping vulnerable people
- promoting equal opportunities and active citizenship

Bespoke lettings plans will be used to allocate new build developments on their initial allocation but not as part of the sustainable communities group and therefore outwith the allocations targets as set.

A lettings plan operates alongside our needs-based allocation policy but allocates vacancies according to the particular circumstances of the area by letting to a household that will contribute to the sustainability of that community. The need for a local lettings plan will be agreed upon by local tenants & residents groups, community housing staff and elected members.

A lettings plan may be required where there are issues that have occurred within an established community, and action is required to assist that community to become sustainable, for example, there may be a need to lower child density in the area, therefore, future allocations will consider household composition as an attribute.

All applications that contain the selected attributes will be placed in date order and the applicant with the earliest date of application would receive an offer of housing.

7.2 Local Lettings Plan Attributes

It may be considered that one or more of the following attributes are contained within a lettings plan and are necessary to sustain and balance a community. (An attribute is a particular characteristic or feature of the applicant's household. For example, whether there are children included in the application or the type of accommodation the applicant currently occupies.)

- **Employment**
 - Student for at least 6 months
 - Employment for at least 6 months
 - Self employed for at least 6 months
- **First Time Householder**
 - Living with family for 6 months/not overcrowded
- **Tenure for example**
 - Private rented sector
 - Sub tenant
 - RSL tenant
 - Council/other
- **Household Composition**
 - Single person
 - Single parent with children
 - Couple - no children
 - Couple with children
- **Age**
 - 16 - 17
 - 18 - 24
 - 25 - 44
 - 45 - 59
 - 60 - 64
 - 65 - 69
 - 70+
- **Social Connection**
 - Live currently in the area
 - Close relative in area
- **Anti-social Behaviour**

No

7.3 How Lettings Plans Work

A property becomes available that is identified as being part of an approved local lettings plan. The applicant with the **earliest date of application**, that meets the attributes as defined within the local lettings plan for that property, will be made an offer of housing.

Section 8: How We Administer Housing Applications

East Lothian is an attractive place to live and demand for housing is high. The Council's website also contains our [Housing Options Guide](#) that offers important advice to those who live in or who are considering a move to the area (available at www.eastlothian.gov.uk). It covers the housing options available in East Lothian, in both the public and private housing sectors, for example, details of home ownership, shared ownership, the private rented sector and housing associations.

This section explains how we process applications. We have also established allocation procedures for internal use by housing staff. This section covers:

- admission to the housing list
- prevention of homelessness
- checking application details
- areas of choice
- change of circumstances
- information sharing
- joint tenancies
- offers and refusals
- suspensions and deferred applications
- review of the housing list and cancellations
- re-housing panel
- health & housing panel
- Referrals to housing associations

8.1 Admission to the Housing List

All applicants or their representatives should complete a Housing Application Form; this can be done in the following ways:

- by requesting the form from any of the council's public offices
- by requesting a form from our website
- by appointment at the applicant's home where appropriate

If the applicant requires assistance in completing the form, this is provided together with advice on re-housing options. This information covers all housing providers in the area, including opportunities offered through shared ownership.

On receipt of all information, we assess applications within **fourteen** days.

Application forms are available at all of our council offices; information on how to request an application form is available on our website at www.eastlothian.gov.uk

The application form can be provided in different languages, on request, as well as in other formats such as in large print.

Interpreting services are also available on request, for example, services for hearing impaired people or from black and minority ethnic applicants. We provide these services freely.

Note

In order to promote our equality objectives, we request information about applicant's individual accessibility needs to tailor services to their requirements. For instance, this enables us to provide information in an appropriate format, such as forms and leaflets being provided in large print and other languages.

8.2 Prevention of Homelessness

Homelessness prevention aims to stop situations of urgent housing need from arising in the first place. In general this refers both to far-reaching structural provisions (e.g. which increase the supply of social rented housing or which increase security of tenure) as well as other interventions into individual circumstances which make it considerably less likely that an occupant would lose their home during difficult economic or personal times (e.g. tenancy sustainment services or defending possession proceedings).

Schemes which help people to find alternative housing before urgent situations arise also play an important role in helping to prevent homelessness. We will make sure that, where possible, there are appropriate housing advice and information resources, tenancy support, risk assessment mechanisms and schemes in place to prevent homelessness occurring.

8.3 Checking Application Details

It is the applicant's responsibility to provide up-to-date and accurate information regarding their circumstances. We will check information provided by the applicant, initially at the application stage and again prior to an offer of housing being made. This accords with good practice guidance so that offers to applicants are appropriate. For example, we check that application details reflect actual housing circumstances so that points are awarded accurately.

We request that applicants contact us if they are unsure of what to include in their application; this assists them to include only appropriate details.

Should an applicant knowingly provide false and misleading information, the Council will take the appropriate action to cancel or suspend their housing application and in certain circumstances this act is a criminal offence. The applicant can appeal this decision and should refer to the Council's

Suspension and Deferment Policy. Should this information have resulted in an offer of housing being made and accepted, the Council will take legal action to recover the property.

8.4 Areas of Choice

There are no restrictions placed on the minimum number of areas an applicant can select. In addition, an applicant can also choose as many towns/villages as they wish.

However, applicants who have been assessed as homeless and who have not received an offer of housing within 12 months will be invited to discuss their application for housing with their Homelessness Officer. This may result in a mandatory widening of areas of choice to enable an offer of housing being made. This is to allow the council to meet its statutory obligations.

8.5 Change of Circumstances

It is the applicants' responsibility to advise us of circumstances as soon as possible. Applicants who wish to alter their housing requirements can do so by completing a change of circumstances form, which is available from any of our local offices.

8.6 Information Sharing

We process personal information supplied by applicants in accordance with legal provisions concerning data protection. East Lothian Council are working towards Single Shared Assessment.

Sharing of information may include seeking references from previous landlords or lenders to confirm application details. For example, we may seek information on whether a previous tenancy complied with conditions of let. We do not, however, seek personal references.

Sharing of information is only done if (a) applicants consent in writing or (b) if this is allowed in law.

All applicants must complete and submit the housing application form.

Where appropriate, the applicant must be made fully aware of any referral and consent to sharing of information between social work and housing agencies. The exception to this is where someone is appointed as legal guardian or where an interim order has been sought using Adult with Incapacity procedures - the person referring will then be required to produce legal documentation evidencing their authority to take decisions on behalf of the adult.

If permission to share information is refused by the applicant, then it must be explained that as points are awarded on assessed need, then failure to share information will result in a low point score and limit the ability to offer amenity housing to the applicant.

8.7 Joint Tenancies

We advise all applicants of their right to apply for a joint tenancy with a person either staying or intending to reside with them.

We may refuse such applications but only if it reasonable to do so. We have a procedure for processing joint tenancy applications.

We also provide applicants with information about the rights and responsibilities attached to having a joint tenancy. This enables them to make an appropriate decision.

8.8 Offers and Refusals

We make offers to applicants based on (a) their housing needs and (b) their stated preferences - we will make two offers of housing.

After a **first offer** is refused, we will write to the applicant advising that we have made a *reasonable offer and to establish their reason for refusal

We will invite the applicant to come in and update their circumstances and take this into account before making a further offer. This is to reduce numbers of refusals and thus minimise lost income.

If an applicant refuses a **second** reasonable offer, no offers will be made for a period of **twelve months** and the application will be suspended

Homeless applicants will be made one reasonable offer of housing. Should the applicant refuse this offer of housing, the Council will be deemed to have met their statutory duty and therefore, any homeless priority will be removed. However, the applicant is still eligible to receive further non-priority offers of housing. The applicant has a statutory right of appeal against this and should contact their Homelessness Officer for further information.

*East Lothian Council deem an offer as being reasonable if it is within the applicant's areas of choice, meets their specified property type and is appropriate for their family size and assessed health needs. A reasonable offer can also be made to the applicant from one of our Housing Association partners and will be counted as such by the Council. An applicant may appeal against any offer they feel is not reasonable - please see Section 10.

8.9 Suspensions and Deferred Applications

We have established a suspension and deferment policy. This policy is available on request from any of our Council offices or on line at www.eastlothian.gov.uk

We suspend applications only if one of the relevant grounds specified in policy exists. For example, if applicants are in breach of their tenancy on grounds of anti-social behaviour.

We will also suspend an application after the **second refusal** of a reasonable offer of housing. This suspension will be for a period of **twelve months**. Applicants may appeal against suspensions in line with policy provisions. Please see Section 10 for information on our appeals process.

We may also suspend an application when there are rent arrears. When selecting tenants, we **may** disregard rent arrears under **one month's** rent. We do, however, make a reasonable repayment arrangement with applicants who are also council tenants.

In cases where rent arrears exceed **one month**, we disregard the arrears as long as applicants:

- make an appropriate repayment arrangement
- make payments agreed for at least **three months**, and
- continue to make payments

8.10 Review of the Housing List and Cancellations

8.10.1 Yearly Review

We undertake a yearly review of all applications on our housing list; the review date is based on date of registration.

This ensures that an accurate housing list is maintained.

We request applicants to inform us within **twenty eight days** if they want to stay on the housing list.

If applicants fail to respond, we send out a reminder allowing a further **fourteen day** period.

If applicants still fail to respond, we remove applications from the housing list. We obtain applicants' consent to do this on their application form.

8.10.2 Cancellations

Applications are also cancelled if the applicant (a) requests this, for example, because she or he no longer requires housing, for example, due to becoming adequately housed, or (b) if she or he has died.

Applications will also be cancelled when the applicant has received and accepted an offer of housing. The tenant may then re-apply to the housing list should they wish to do so.

Should an applicant knowingly provide false and misleading information, the Council will take the appropriate action to cancel or suspend their housing application. Where applicable, the Council may also instigate criminal proceedings. The applicant can appeal this decision and should refer to the Council's Suspension and Deferment Policy.

8.11 Re-Housing Panel Procedures

East Lothian Council set up the Re-housing Panel in 2003. We wanted to make sure that the way in which we award extra housing points to people with extreme housing problems is open and accountable.

The Panel is made up of representatives from East Lothian Council, NHS Lothian and the East Lothian Tenants and Residents Panel.

If the applicant has extreme housing problems and want the Panel to look into their case, they must talk to their Community Housing Officer. The Housing Officer will make a referral on the applicants' behalf to the Panel. The applicant will not need to attend the Panel meeting.

The Re-housing Core Panel deals with:

- management moves
- extreme overcrowding
- Extreme medical

- **Management Moves**

The Panel considers management moves when applicants have exceptional housing problems. These problems cannot be dealt with within our Allocations Policy. The Council will only consider a management move when it has already tried a range of solutions and re-housing is now the only option we can offer.

- **Extreme Overcrowding**

The Panel also considers cases where applicants are living in very overcrowded homes, for example, they need two or more bedrooms than they currently have and the overcrowding is affecting their health and wellbeing.

- Extreme Medical

This group usually deals with an applicant who has a Category 'A' Medical Priority and has extreme housing needs. It considers whether the applicant's home is still suitable for their needs. It will only consider a case when a range of solutions have been tried and re-housing is now the only choice the Council can offer.

The Re-housing Resettlement Panel deals with:

- are preparing to leave supported accommodation
- are preparing to leave long-term institutional care
- have been looked after by the Council and are preparing for their first tenancy.

This group considers whether the applicant will be able to manage being a tenant if they get some support from the Council or another agency.

- The Panel's decision

If an applicant's case meets its criteria, the Panel will recommend that they be awarded extra housing points. If it can make a decision immediately, the Panel will write to the applicant to let them know their decision within five working days. But, if further information is needed, it may take longer to make a decision. In all cases, the Panel will advise the applicant as soon as possible. All applicants have the right to appeal a decision by the Re-housing Panel following the Council's appeals procedure outlined in Section 10.

8.12 Health & Housing Panel

The Health & Housing assessment process was introduced by the Council in 2005. It is a self assessment by the applicant of their health and housing needs. A new application form was introduced to assist the applicant to tell the Council more about their health and housing problems and how it affects the way that they live at home. It will also help the applicant to tell the Council why they think that re-housing would make a difference to their health and wellbeing.

Completed application forms are submitted to the local area offices for the attention of the appropriate Community Housing Officer.

The Health & Housing Panel meets on a monthly basis to consider these applications. The Panel consists of an Area Manager from Adult Social Care, a Community Housing Occupational Therapist, Community Housing Manager, Community Housing Officers and a Service Development Officer.

The applicant can also include information from a range of health care professionals to support their application, for example, information from their:

- hospital consultant
- health visitor
- occupational therapist
- district nurse
- community psychiatric nurse
- specialist nurse
- community care worker or social worker

If a healthcare worker is not treating the applicant, the community housing officer may, with the applicant's agreement, forward the health & housing assessment to the Community Care Team and if appropriate request an occupational therapy assessment which looks at whether there are any aids or adaptations that can be made to the applicant's existing property to allow them to remain at home. However, there may be a waiting list for this service.

If an applicant receives a priority award from the Health & Housing Panel, it may come with a recommendation that they move to housing that is on the ground floor. Or, it may recommend that the applicant move to housing that has a ground-floor bathroom or bedroom. (We have some properties like this but most two-storey houses are not suitable in these cases.)

Appeals

All applicants have the right to appeal a decision by the Health & Housing Panel following the Council's appeal procedure outlined in Section 10.

8.13 Allocations by the Community Housing Services Manager

In exceptional circumstances, the Community Housing Services Manager can approve the allocation of housing where there is an urgent requirement for a sensitive let.

8.14 Referrals to Housing Associations

Nomination agreements between local authorities and housing associations allow local authorities to propose applicants for housing association property. An example of a protocol agreement can be found in Appendix 3.

Section 9: Performance Management

We monitor all elements of the allocation policy in accordance with the Scottish Social Housing Charter, so that practice can be modified as required; this supports the corporate organisational commitment to achieving continuous improvement in service delivery.

Number	CHARTER INDICATORS
1	Percentage of tenants satisfied with the overall service provided by their landlord.
2	Ethnic origins and disability details of service users, staff and for RSLs only, governing body members.
3	Percentage of tenants who feel their landlord is good at keeping them informed about their services and decisions.
4 & 5	Percentage of 1st and 2nd stage complaints, including those related to equalities issues, responded to in full in the last year, that were resolved by the landlord and also the percentage upheld.
	Percentage of 1st and 2nd stage complaints responded to in full in the last year, within the Scottish Public Services Ombudsman (SPSO) Model Complaint Handling Procedure (CHP) timescales.
6	Percentage of tenants satisfied with the opportunities given to them to participate in their landlord's decision making processes.
18	Percentage of tenancy offers refused during the year.
21	Percentage of lettable houses that became vacant in the last year.
22 & 23	Percentage of approved applications for medical adaptations completed during the reporting year.
	The average time to complete applications.

Number	CHARTER CONTEXTUAL INDICATORS
C7	Number of lets during the reporting year, split between 'general needs' and 'supported housing'.
C8	The number of lets during the reporting year by source of let.
C9	Types of tenancies granted for lets during the reporting year.
C10	Housing lists.

Among the issues that we monitor are:

- accessing the housing list
- offers and refusals
- house lets and
- appeals and complaints

We also monitor how we perform in the other policies that relate to allocation practice such as exchange requests, joint tenancy applications and suspensions applied.

Information on all of the matters that we presently monitor is available on request.

We present information monitored to Policy & Performance Review Panel on a quarterly basis.

We also provide information on allocation performance to tenant groups and to tenants generally through Homefront Newsletter, our website, and regular meetings with the East Lothian Tenants & Residents Panel.

9.1 Accessing the Housing List

- number of new applications, including processing within policy targets of 14 days
- reasons for application to assess levels of need and applicants' preferences
- applications deferred and cancelled
- equality information by reference to issues concerning age, disability, ethnicity and gender

9.2 Offers and Refusals

- the total number of offers made including acceptances or refusals
- reasons for refusal, as well as by type of house and area
- equality information concerning age, disability, ethnicity and gender

9.3 House Lets

- houses let to applicants by Group, type of house and location
- nominations and referrals to housing associations; this includes assessments of refusals and appeals
- equality information concerning age, disability, ethnicity and gender

9.4 Appeals and Complaints

- number of appeals made including outcomes
- number of complaints made including outcomes
- equality information concerning age, disability, ethnicity and gender

9.5 Documentation

- allocation documentation to meet agreed equality and plain language standards, for example, the policy, the allocation booklet and leaflets.

Section 10: Appeals and Complaints

This section provides information on our appeal and complaints systems. Details of how to appeal or complain are provided to all applicants as part of general information that they receive when applying for housing.

Applicants being assessed under the homelessness legislation have a statutory right of appeal, details of which will be given to the applicants by their case officer.

If you want to make a comment, suggestion or complaint about a council service, you can get a Feedback form from your local office. This tells you about the Council's complaints procedures. It includes a form where you can make your comments. Post the form to the council. You do not have to pay for stamps - just use the Freepost address on the leaflet. Or, you can phone the Complaints Officer to discuss the issue on 01620 826600.

10.1 Appeals

Applicants may appeal against decisions with which they are dissatisfied. For example, they may appeal if they think that points awarded are not an accurate reflection of their housing circumstances.

Applicants also have a right of appeal in relation to the reasonability of an offer. Further information can be found in the [Appeals & Complaints Leaflet](#).

In addition, applicants whose applications are dealt with through the homelessness procedures have a legal right of appeal to have the decision reviewed by a senior officer not party to the original decision.

10.2 Feedback to the Scottish Public Services Ombudsman

Applicants have the right to complain if we don't:

- apply policy principles properly or
- meet our standards, for instance, not providing accurate advice and information

We give tenants a copy of our complaints procedure when they sign their tenancy agreement.

We also provide information about the Scottish Public Services Ombudsman; this officer investigates complaints that concern maladministration. Applicants must, in general, use the internal complaints system before contacting the Ombudsman. You should contact the Scottish Public Services

Ombudsman within 12 months of the date that you first noticed the problem you are complaining about. In special circumstances the Ombudsman may be prepared to deal with matters that have gone on longer than 12 months. Please write to the Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh. EH3 7NS. Freephone tel: 0800 377 7330, freephone fax: 0800 377 7331. Email: enquiries@scottishombudsman.org.uk

10.2.1 Care Inspectorate

A complaint is an expression of dissatisfaction about the quality of service provided by a registered care service or about the competence, attitude or performance of members of Care Inspectorate staff whilst carrying out their duties. The Care Inspectorate will, at the outset of the Complaints process, agree with the complainant the National Care Standard which is applicable to the complaint. An example of a complaint about the quality of a care service might be where a person using care services, or someone acting on their behalf, complains about the adequacy or variety of food provided in a care home.

A complaint may be made at any office of the Care Inspectorate or at its Headquarters in Dundee. Complaints may be made in writing, by telephone or in person. There is also a website (www.scswis.com) for recording complaints..

Head office

Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY
Tel:: 0845 600 9527
e-mail: enquiries@careinspectorate.com

Appendices

Appendix 1: Law and Good Practice

Appendix 2: Other Policies

Appendix 3: Nominations / Referrals to Housing Associations

Appendix 4: The Points Table

Appendix 1: Law and Good Practice

Law

Housing (Scotland) Act 1987 (as amended by the Housing (Scotland) Act 2001)

Homelessness etc. (Scotland) Act 2003

Housing (Scotland) Act 2006

Code of Guidance on homelessness (as amended 31st May 2005)

The Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012

Equality Act 2010

Good Practice

Social Housing Allocations: A Practice Guide. Scottish Government. March 2011.

Scottish Social Housing Charter. Scottish Housing Regulator 2012

Chartered Institute of Housing: Standards.

Care Inspectorate; National Care Standards for Housing Support

Appendix 2: Other Policies & Strategies

Other policies and procedures that are relevant to the allocation policy are as follows:

- Local Housing Strategy
- Homelessness Strategy
- assignment of tenancy
- equal opportunities
- gypsies/travellers
- mutual exchanges
- rent arrears policy
- repairs policy
- subletting
- succession to tenancy
- suspension policy
- sustainability policy
- taking in lodgers
- void management (empty house) policy
- Re-Housing Panel

Appendix 3: Referrals to Housing Associations

Nominations and Homelessness Duties including Section 5 Housing (Scotland) Act 2001

Protocol Agreement

1. Introduction

The purpose of this protocol agreement between East Lothian Council and a Housing Association (the Association) is to specify the arrangements associated with the nomination of re-housing applicants and with Section 5 of the Housing (Scotland) Act 2001.

The terms and conditions of the agreement will be reviewed as and when appropriate according to the guidelines set out below.

2. Principles

East Lothian Council and the Association aim to work together to:

- Address and assist in reducing homelessness in East Lothian
- Address housing need in East Lothian
- Operate an effective, efficient and equitable nomination process, which minimises void losses, and disputes between the parties to the agreement.
- Fulfil all relevant Statutory Duties

East Lothian Council and the Association wish to promote equal access to housing and are committed to a policy of equality of opportunity with regard to age, race, gender, ethnic or national origin, religion, marital status, disability or sexuality.

All information provided in connection with nominations and Section 5 referrals will be treated as confidential by both organisations.

3. Scope of Agreement

The agreement covers all lettings on a permanent basis to self-contained rented accommodation within East Lothian by the Association, with the exception of:

- Supported Accommodation properties let on an agency basis, or those purpose built for an agency.

4. Publicity

East Lothian Council will through its housing advice services ensure that information is provided to housing and transfer applicants on Housing Association allocation policies.

5. Liaison Arrangements

Both organisations will have named officers with contact telephone numbers with day-to-day responsibility for nominations and referrals.

In the event of sickness or other periods of absence, there will be a delegated substitute to assume these roles.

6. Information Sharing

Where appropriate East Lothian Council shall share confidential information including that relating to the conduct of current or previous tenancies of nominated applicants, where this affects their re-housing application.

7. Percentage of Vacancies for Nomination

The Association will offer a percentage of all re-let, newly built or newly acquired properties to East Lothian Council for nomination.

In calculating the total number of properties for nominations that will be requested, the following shall be excluded:

- Voids created by transfer where an Association tenant moves to a property owned by them. This will include mutual exchanges
- voids created through a tenant moving to another landlord where a reciprocal agreement exists, e.g. HOMES
- decants

Before offering a property to East Lothian Council, the Housing Association may first transfer its own tenants. Only one void, resulting from such a transfer or sequence of transfers will count towards the nomination quota.

8 Nominations Process

8.1 Notification of Nomination Requests

The Association will notify East Lothian Council of re-let vacancies by e-mailing the nominations request form which will provide all details of the property for which the nomination is requested, including details of any special eligibility rules.

For both new-build and re-lets East Lothian Council will nominate applicants accepted as being in priority need under the homeless legislation for up to 50% of all vacancies subject to there being sufficient applicants who meet the age requirements properties managed by the Association in East Lothian.

The Association reserves the right to withdraw a nomination request for a property in an emergency such as fire, flood or immediate re-housing required due to harassment. In this event, the property will not be counted as part of the 50% of stock for which nominations are sought.

8.2 Identification of Applicants for Nomination

On receipt of a request for re-let nominations East Lothian Council will identify appropriate applicants for re-housing from the Councils re-housing lists.

Details of the identified applicants will be recorded on the standard nominations form and will be faxed to the Association within 5 working days of the request being received. The applicants nominated will be prioritised by East Lothian Council.

For new build or acquired properties the Association nominations (in priority order) will be provided 12 weeks before the anticipated completion/acquisition date. The process of nomination of applicants will operate as above on the understanding that the result of the nominations will be notified to East Lothian Council at the earliest possible opportunity but in any case within 4 weeks of the nomination being made. These time scales may be extended by agreement between the Council and the Association if the new build or rehabilitated development is larger than 25 units.

If East Lothian Council fails to provide the requested nomination within the agreed time scales the Association shall remind the Council of the outstanding request by fax or phone. The identified liaison staff will discuss whether or not East Lothian Council should be given a further 2 days to respond to the nomination. If a further 2 days is agreed and East Lothian Council fails to provide a nomination in that time scale or it is agreed at the point of the failure to meet the original time-scale, the Association shall count this as a failed nomination and identify applicants for the property from its own waiting lists.

The nominations process for new build may be altered by agreement between East Lothian Council and the Association on a development by development basis provided any alternative approach is agreed 14 weeks prior to the anticipated completion/acquisition date

8.3 Number of Applicants to be Nominated.

East Lothian Council will nominate:

- 1 applicant where the basis of the nomination is that the applicant is in priority need under the homelessness legislation. In such circumstances the nomination will clearly state that it is a section 5 referral.
- For all other nominations East Lothian Council will provide 3 nominees in priority order for each vacancy for which a nomination is sought.

The Association will consider applications in order of presentation, unless the Association provides the Council with a reasonable reason, why nominees should be taken out of turn.

Before making an offer the Association will contact and visit the nominee to confirm the details of the application.

8.4 Rejection of Nominees (Not Section 5 referrals)

The Association may reject East Lothian Council's nomination where:

- the nominee has current or previous outstanding rent arrears or rechargeable repair arrears in excess of one months rent, and no agreed repayment arrangement has been maintained for a minimum of three months. This ground may be waived in circumstances where the applicant is fleeing harassment as defined by the Housing (Scotland) Act 2001 and/or domestic violence
- the nominee caused serious management problems, which resulted in legal action being taken. In coming to a decision to reject a nomination on this ground, the Association would look at the circumstances and elapse of time since the tenancy ended.
- the circumstances of the nominee have changed since the Council last assessed them, and the property in question is no longer suitable for their needs.
- the Association is concerned that the household contains a person who may not be able to cope with living in the property without additional care or support, which either the household is unwilling to accept, or which cannot be arranged.
- In these cases the Association will first contact East Lothian Council to see whether differences can be reconciled, or solutions found. Where agreement cannot be reached, the Housing Association shall proceed in line with their policy position. Failed nominations will be reported to East Lothian Council on the nomination outcome form.

9. Section 5 Referrals

9.1 General

Section 5 of the Housing (Scotland) Act 2001 places statutory duties on housing associations and other registered social landlords to provide accommodation to homeless people. All homeless nominations will be considered to be Section 5 referrals made by East Lothian Council to the Association and will where possible be contained within the priority homeless quota, outlined in section 10

The Council will confirm contact arrangements for the Case Officer, and with the applicant's written consent, make available relevant information concerning their housing history and any other matters that it would be reasonable for a prospective landlord to take into consideration, including any specific requirements and/or support needs. Where the applicant has not granted permission for such information to be provided, the Association will be informed of the refusal.

The Council will also provide any other information of which the Association should be aware of in an attempt to ensure that the tenancy can be sustained and any potential issues relating to health and welfare of existing residents can be taken into consideration and properly assessed.

It is agreed that both parties can enter into informal discussion concerning an individual household/person prior to the initiation of the formal referral process. Such discussion will not bind the Council to agreeing to any refusal by the Housing Association to comply with any subsequent formal request for accommodation for the household concerned.

East Lothian Council will make a formal referral by fax using the Section 5 Referral Form.

Prior to formally responding, the Association will notify the Council of any reason for not wishing to comply which was not apparent from earlier discussions and/or which falls out with those specified in the guidance to the legislation. It will be for the Council to decide whether or not to proceed with the request to re-house.

The Association will give its formal response within 5 working days of the receipt of the request. In the period prior to responding, the Association may contact the Homelessness Section for further information or to provide new information. Such information may result in extending the time for the Association to carry out its part of the procedure.

The Association's response will be one of the following:

- Confirms that the household/person referred to the Association under Section 5 of the Housing (Scotland) Act 2001 is being allocated the stated property.

- Confirms that the Association is refusing the request, stating “good reason” not to comply.

If the Association has made an allocation to a Section 5 referral, East Lothian Council will be notified if the property is subsequently refused. The property will be held for 5 working days as outlined in Section 14. If the property is not then accepted, the Association will request a further section 5 referral as detailed in section 10, timescales permitting. If timescales do not permit then the association is entitled to go back to its own waiting lists and this will be treated as a failed nomination

If the Association refused the referral stating “good reason” not to comply, the Association will specify its reasons for non-compliance. The Council will consider the Association’s response and reply within 3 working days. Its options are:

- to discuss the Association’s response and review it’s request
- to withdraw it’s request
- to indicate commencement of a period of 5 working days within which the parties must either reach agreement or submit to arbitration.

9.2 Rejection of Section 5 Referrals

The Association can reject East Lothian Council’s section 5 referral where:

- the person concerned has current or previous outstanding rent arrears or rechargeable repair arrears in excess of one months rent, and no agreed repayment arrangement has been maintained for a minimum of three months. This ground may be waived in circumstances where the applicant is fleeing harassment as defined by the Housing (Scotland) Act 2001 and/or domestic violence or by agreement between the Association and the Council.
- the person concerned caused serious management problems, which resulted in legal action being taken. In coming to a decision to reject a nomination on this ground, the Association would look at the circumstances and elapse of time since the tenancy ended.
- the circumstances of the person have changed since the Council last assessed them, and the property in question is no longer suitable for their needs.
- the Association is concerned that the household contains a person who may not be able to cope with living in the property without additional care or support, which either the household is unwilling to accept, or which cannot be arranged.

In these cases the Association will first contact East Lothian Council to see whether differences can be reconciled, or solutions found. Where

agreement cannot be reached, the arbitration process outlined in section 13 will be implemented.

10. Disputes and Arbitration (Section 5 Referrals)

Both parties will, in the first instance, attempt to resolve any dispute arising from the operation of this agreement by informal discussion in order to avoid the need for arbitration. At the informal discussion stage, both parties will take cognisance of Scottish Executive Guidance on good reason for non-compliance with a request to re-house and to section 13 of this agreement.

If the matter cannot be resolved informally, it will be referred to a Disputes Panel made up of representatives of East Lothian Council and the Association. The Disputes Panel will be chaired by someone, independent or otherwise, agreed by both parties.

Throughout the course of any Formal Dispute, the void property subject to the Dispute will remain unallocated until the outcome of the Dispute is known.

The Disputes Panel will meet and reach its decision within 5 working days of a Dispute being referred to it. The Panel will also decide how any financial losses incurred by either side are to be split.

The decision of the Disputes Panel will be final and binding on both parties.

All Formal Disputes will be recorded in Housing Association Disputes Form (appendix 5) copies of which will be provided to both parties.

In the event of the Disputes Panel being unable to reach agreement on the outcome of a Dispute, both parties will, as a last resort, consider using the arbitration process outlined by Communities Scotland.

11. Refusal of Offer by Homeless Applicant

The Housing Association may offer available properties to priority homeless applicants who have either applied directly through Homehunt, been nominated by East Lothian Council or been referred by East Lothian Council under section 5 of the Housing (Scotland) Act 2001.

Under East Lothian Council policy, homeless applicants are entitled to one *reasonable offer of accommodation. If a homeless applicant is offered a property by the Housing Association and refuses the offer, East Lothian Housing Association shall notify East Lothian Council of the refusal and the reasons by email or telephone on the day of the applicant's refusal.

*East Lothian Council deem an offer as being reasonable if it is within the applicant's areas of choice, meets their specified property type and is

appropriate for their family size and assessed health needs. A reasonable offer can also be made to the applicant from one of our Housing Association partners and will be counted as such by the Council. An applicant may appeal against any offer they feel is not reasonable - please see Section 10.

East Lothian Council's Homeless Persons Section will need to investigate and decide whether the re-housing duty towards the applicant has been discharged. The Housing Association shall hold this property for the applicant until the Council has completed such investigations. East Lothian Council will normally notify the Housing Association of the outcome within 7 working days.

If an applicant appeals about the reasonability of the offer of housing the Council will on concluding that appeal confirm the outcome to the Housing Association in order for them to take a view on the continued availability of a "Gold Pass" to that applicant.

If East Lothian Council require further time to reach a decision, this will be granted at the discretion of the Housing Association. If at the end of the Council's investigation the original applicant does not accept the property, the Association will offer the property to the next priority homeless applicant on the Homehunt list. If no other priority homeless applicants have applied under Homehunt, a nomination will be requested from East Lothian Council in accordance with section 10 above. If a second offer to a priority homeless applicant is refused then at the end of the investigation period if the applicant does not accept this will be treated as a failed nomination as detailed in section 10 above and the Association will offer the property to the highest placed ordinary applicant in accordance with its Allocations Policy.

Throughout the operation of the provisions of this section, if the property is ready for occupation East Lothian Council will reimburse the Housing Association for all rent losses incurred.

12. Allocation Policies Differences

East Lothian Council undertakes to nominate applicants who meet the minimum re-housing requirements of the Association.

13. Monitoring Of Nominations Performance

An annual review meeting will be held to discuss performance of this agreement, to identify any problems found in its operation and to propose and agree any changes required to address the identified problems. If problems are identified prior to the annual meeting a meeting will be convened at the request of either party to attempt to resolve the matters in question.

Appendix 4: The Points Table

The Points Table: Awarding Points		
<ul style="list-style-type: none"> • Unsatisfactory Housing 	Health Needs	
	<ul style="list-style-type: none"> • Cat. A 	80
	<ul style="list-style-type: none"> • Cat. B 	50
	<ul style="list-style-type: none"> • Cat. C 	6
	Social Need	1 - 300
	Keyworker	80
	Two Tenancies for One	80
	Shared Amenities	8
	Housing Supply (transfer & RSL tenants only)	20
	Harassment	80
	Discharge from Hospital	80
	Discharge from Care Placement	80
	Lost accommodation in hostel, lodging house, hotel	8
	Discharge from Prison - risk /needs assessment required	40
<ul style="list-style-type: none"> • Overcrowding/ large families 	Overcrowding (per bedroom short)	4
<ul style="list-style-type: none"> • Inadequate Housing 	Closing Order	80
<ul style="list-style-type: none"> • Insecurity of Tenure 	Private Tenancy with no Security of Tenure	8
	Action by Private Landlord	40
	Mortgage Default	40
	Loss of Tied Tenancy	40

	Loss of Service Tenancy	4 pts per year
<ul style="list-style-type: none"> • Relationship Breakdown 	Relationship Breakdown	6
	Forced division and sale of matrimonial home	40
	Parents no longer able/willing to accommodate	20
	Dispute with Partner - non violent. No rights to remain.	20
	Domestic Abuse	80
	Young person affected by violence or abusive behaviour between parents	80

Sustainable Communities Attributes: - (Date of application applies)

- **Employment**
 - Student for at least 6 months
 - Employment for at least 6 months
 - Self employed for at least 6 months
- **First Time Householder**
 - Living with family for 6 months/not overcrowded
- **Tenure for example**
 - Private rented sector
 - Sub tenant
 - RSL tenant
 - Council Tenant/other
- **Household Composition**
 - Single person
 - Single parent with children
 - Couple - no children
 - Couple with children
- **Age**
 - 16 - 17
 - 18 - 24
 - 25 - 44
 - 45 - 59
 - 60 - 64
 - 65 - 69
 - 70 +
- **Social Connection**
 - Live currently in the area
 - Close relative in area
- **Anti-social Behaviour**
 - No