



## MINUTES OF THE MEETING OF THE CABINET

TUESDAY 22 JANUARY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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**Committee Members Present:**

Councillor S Akhtar  
Councillor J Goodfellow  
Councillor N Hampshire  
Councillor W Innes (Convener)  
Councillor J McMillan  
Councillor F O'Donnell

**Other Councillors Present:**

Councillor F Dugdale  
Councillor J Findlay  
Councillor A Forrest  
Councillor J Henderson  
Councillor K Mackie  
Councillor C McGinn

**Council Officials Present:**

Mrs A Leitch, Chief Executive  
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services  
Mr A McCrorie, Depute Chief Executive – Resources and People Services  
Ms A MacDonald, Acting Director, Health and Social Care Partnership  
Mr J Lamond, Head of Council Resources  
Mr T Reid, Head of Infrastructure  
Ms S Saunders, Head of Communities and Partnerships  
Mr D Proudfoot, Head of Development  
Ms F Robertson, Head of Education  
Ms J Tait, Head of Children and Adult Services  
Mr C Grilli, Service Manager – Legal and Procurement  
Ms S Fortune, Service Manager – Finance  
Mr P Vestri, Service Manager – Corporate Policy and Improvement  
Ms L McLean, Service Manager – Strategic Asset and Capital Plan Management  
Mr J Coutts, Service Manager – Community Housing and Homelessness  
Ms N Sandford, Team Manager – Housing Options  
Mr P Ritchie, HR Business Partner  
Mr S Cooper, Team Manager – Communications

**Clerk:**

Ms A Smith

**Apologies:**

None

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – CABINET 13 NOVEMBER 2018**

The minutes of the meeting of the Cabinet of 13 November 2018 were approved.

**2. SUMMARY OF CONTRACTS AWARDED BY EAST LOTHIAN COUNCIL, 4 SEPTEMBER 2018 - 9 JANUARY 2019**

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of all contracts awarded by the Council from 4 September 2018 to 9 January 2019, with a value of over £150,000.

Councillor Hampshire welcomed the awarding of these two contacts commenting that these companies tended to employ from the East Lothian workforce.

**Decision**

The Cabinet agreed to note the award of contracts with a value of over £150,000, as listed in Appendix 1 to the report.

**3. DRAFT EAST LOTHIAN RAPID REHOUSING TRANSITION PLAN, 2019/20 - 2023/24**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet of the newly titled strategic policy objective 'rapid rehousing' and presenting the draft East Lothian Rapid Rehousing Transition Plan (RRTP) 2019/20–2023/24 prior to Scottish Government assessment and evaluation.

Nicky Sandford, Team Manager – Housing Options, presented the report. She referred to the background to this policy objective, highlighting the key aims of rapid rehousing and drawing attention to Housing First, which referred to a specific model of combined accommodation and support. The Council had made good progress in tackling homelessness in recent years; she provided further details adding that the supply of affordable housing was key. The Council still faced significant homelessness challenges, which she outlined. She drew attention to the financial implications, taking Members through this in detail. Ms Sandford advised that actions set out in the draft RRTP were predicated on the funding request being met in full. The final RRTP would be brought to Cabinet in May.

Responding to Councillor Hampshire, Ms Sandford clarified that the overall budget allocated to the 32 Scottish local authorities was £21million. £2m had already been used so only £19m remained; £15m of this would be allocated to the 27 non-city local authorities.

In relation to questions from Councillor O'Donnell about appropriate support, Ms Sandford stated there were a number of projects ongoing/planned including the Home and Belonging Project for care experienced young people and other flat sharing models.

Councillor Mackie, referring to B&B use for temporary accommodation asked if the Scottish Government's 7-day cap was achievable. Ms Sandford advised that changes to the legislation were imminent. The Minister had reviewed the current 7-night stay, it was against Human Rights and the rule would be changed to apply to all households regardless of whether or not they had children. The Council aimed not to have any breaches and there had only been three in the past few years. There was now a more coherent approach to homelessness but it remained a huge challenge.

Councillor Henderson, whilst accepting that reducing homelessness must be addressed, queried if the RRTP might encourage people to put themselves into a situation where they could be rehoused quicker. Ms Sandford said that evidence from another Scottish local authority showed that homelessness presentations increased slightly however that council felt that this allowed for a more preventative approach. It was likely that there would be an increase but how this was managed would be key.

Councillor Akhtar, referring to vulnerable young people and the Life Changes Trust, queried resources. Ms Sandford advised that the Council had applied for £200,000 from this Trust and, if approved, 20 care experienced young people would benefit from this. She added that protocols for care experienced young people were also being reviewed; a number of different projects would be initiated/progressed over the next few years.

Councillor Goodfellow welcomed this very comprehensive report and thanked Ms Sandford. The report highlighted the huge tasks facing the Council in addressing homelessness across the county. The draft RRTP set out a framework for action for the next 5 years; its aim was to make a meaningful impact. He looked forward to the Scottish Government's assessment of the Councils draft RRTP and their response regarding the funding allocation.

Councillor Henderson stated this was a very useful and thorough report.

The Convener endorsed the comments from his colleagues.

## **Decision**

The Cabinet agreed to approve the draft East Lothian RRTP 2019/20-2023/24 as submitted to the Scottish Government, including the aims of the draft RRTP, associated work required to achieve these aims and corresponding request for additional resources totalling £7.221m if East Lothian Council is to achieve own aims under rapid rehousing by 31 March 2024 (£5.225m capital funding and £1.996m revenue funding).

## **4. COUNCIL ASSET STRATEGY AND MANAGEMENT PLAN 2018 - 2023**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) setting out the background to and seeking approval of the Council Asset Strategy and Management Plan 2018-23.

Liz McLean, Service Manager – Strategic Asset and Capital Plan Management, presented the report, outlining the key objectives of the Plan. The Plan set out the structure and governance for the Corporate Landlord model. The Capital Investment and Asset Management Group (CIAMG) was the senior officer governance body with a remit to ensure a culture and practice of corporate management of assets across the Council. She highlighted the challenges facing the Council, advising that the Plan set out a guiding principle of future asset management to reduce the footprint of the asset base and associated operational and staffing costs. Turning to the Action Plan (Schedule 2) she informed Members that all work was ongoing and would be reported on regularly.

Councillor Hampshire, referring to the 270 Operational Assets, noted that the number of assets had been reduced over the years and queried the reduction rate and differential. Ms McLean reported that the main reduction had been to the office estate, over the last 8 years this had reduced by 20%. There was a significant amount of work to do to reduce the asset footprint; the challenge going forward was to do this in a more innovative way.

Jim Lamond, Head of Council Resources, responding to Councillor Findlay's query, confirmed that no borrowing had been secured against these assets.

Responding to Councillor Henderson, Ms McLean confirmed that regular issues would be brought forward during the course of the year through the relevant committee.

Councillor Akhtar, referring to the Proposed Priorities, specifically the sections on Education and Lifelong Learning and Children's Services, asked how the challenges facing Children's Wellbeing fitted into this. Ms McLean confirmed that officers had met with colleagues in the relevant service areas. Judith Tait, Head of Children and Adult Services, added that managers were attending the appropriate meetings to ensure that the right discussion points were taken forward.

Councillor McMillan commented that the strategic vision and objectives set out in Schedule 1 would be beneficial in reviewing the Action Plan.

Councillor Hampshire, referring to the Budget Development item on the agenda, highlighted the need to rationalise the number of properties the Council owned.

The Convener stated it was vitally important how the Council used its assets. He added that how Members could have input into the rationalisation process would be discussed with the Chief Executive.

## **Decision**

The Cabinet agreed to note the content of the report and approve the Council Asset Strategy and Management Plan 2018-23.

## **5. POLICY ON SEVERE WEATHER OR ADVERSE EVENTS**

A report was submitted by the Depute Chief Executive (Resources and People Services seeking approval for the new HR Policy on Severe Weather or Adverse Events replacing the current Adverse Weather Policy and Absences Outwith Employees Control.

Paul Ritchie, HR Business Partner, presented the report, outlining the background to the revised Policy. He gave details of the consultation responses. He drew attention to the main changes in the revised Policy. He informed Members that the focus was about employee safety and linking in with Business Continuity Plans.

Councillor Findlay, referring to section 2.5 of the Policy, remarked that he did not believe staff living in rural communities should be penalised if they were unable to get to work due to severe weather.

In response, Councillor Hampshire highlighted the difficulty of taking into account all varying circumstances. The Chief Executive, Angela Leitch, clarified that since the period of severe weather last year there had been significant effort to raise awareness of Business Continuity Plans, staff needed to be aware of the Plan for their service area so the Authority could fully deploy resources as and when required.

The Convener stated that following last year's severe weather the Council had requested a review of the Policy to reflect the circumstances of that event and to address this matter. It was important the Council had a comprehensive Policy in place to deal with these type of events. He hoped the revised Policy brought clarity.

### **Decision**

The Cabinet agreed to approve the revised Policy with immediate effect and rescind the current Adverse Weather Policy and Absences Outwith Employees Control.

## **6. BUDGET DEVELOPMENT 2019**

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an update on matters affecting development of budgets including the draft budget proposals prepared on behalf of the Administration.

Mr Lamond presented a detailed report. He referred to the public budget consultations for General Services and the annual statutory consultation with rent payers; Appendices 1 and 2 contained the summary results. Based upon a draft Scottish Budget, the Council had received a written grant settlement offer from the Cabinet Secretary for Finance. He stressed that the draft Scottish Government Budget would not be finalised until 21 February and therefore, as with all other councils, the terms of the settlement offer were subject to change up until that date. Notwithstanding this, section 3.5 of the report gave information on the Local Government Settlement nationally and locally in relation to key features affecting this Council. The settlement offer represented a significant reduction in Scottish Government funding and consequently the Council would need to make significant reductions to its cost base or generate additional income. Similar to last year the level of uncertainty and the potential for change to the Scottish Budget and perhaps the Local Government Settlement was significant although impossible to predict with any certainty.

Turning to the Draft Administration Budget Proposals, Mr Lamond advised that these had been prepared in accordance with the Council decisions taken on 30 October and 11 December and were contained in Appendices 3 and 4 for General Services and Appendix 5 for HRA. Section 3.7 of the report gave an explanation on limitations and constraints within which the draft proposals had been prepared including the assumption made by the Administration about a further grant contribution from the Scottish Government. He outlined the next steps in the budget process, including previously agreed arrangements for submitting amendments.

Responding to a question from Councillor Findlay regarding Transfer to/(from) Reserves detailed within Appendix 3, (Corporate Income) Mr Lamond advised that the Council in December had set out classification of reserves in its Financial Strategy. Any alteration to current reserves would reflect a departure from this Strategy

Councillor Goodfellow, referring to Appendix 5 (HRA Budget Proposals), specifically Debt to Income, queried the increasing trend and asked whether in 2024/25 it would be very close to 40%. Mr Lamond advised that it was difficult to say with any certainty, given there were a number of variables. Generally, if the increasing trend continued the figure could come close to the limit, but he added that this limit had been self-imposed by the Council by its Financial Strategy and therefore with Council support, could be modified if deemed appropriate.

Councillor Hampshire, in relation to the General Services Budget, asked how much additional money the Scottish Government were providing for dealing with the pay award and the growth of the East Lothian population. Mr Lamond said that in relation to the non-teachers' pay award there was no money reflected in the settlement for this; it was more

complicated however as regards the teacher pay award with the Scottish Government pledging to make a contribution towards the final pay settlement.

The Convener stated that this had been the most difficult budget he had dealt with. This was disappointing because the Council had received an excellent Best Value Assurance Audit and Audit Scotland had commended both the Council's Financial Stewardship and Financial Strategy. East Lothian was one of, if not the, fastest growing areas in Scotland and the Council made a significant contribution to the SNP's national programme for government. There had been a hope that the settlement would take account of these factors, however, this has not been the case. The cut in revenue funding received was devastating and would result in a significant reduction in the Council's ability to protect the people of East Lothian. The Council had been placed in an extremely precarious position. The Convener informed Members that he had written to the Cabinet Secretary highlighting these concerns, stressing that the extent of the cuts the Council was being forced to make meant there would be no choice but to propose and recommend that council tax in future years would have to rise beyond his cap of 3%. The Administration's draft budget proposals were based on the draft settlement which itself may change. Discussion would take place with the Opposition Groups and final proposals would be presented to the Council at its budget-setting meeting on 12 February.

**Decision**

The Cabinet agreed:

- i. to approve the draft budget proposals as contained within the report appendices noting the intention of the Council Leader to invite further discussion with other political groups via Group Leaders between now and the formal budget setting meeting of Council on 12 February; and
- ii. to request that any formal amendments to the draft proposals be submitted in accordance with the timeline agreed by Council on 11 December 2018.

Signed .....

Councillor Willie Innes  
Council Leader and Convener of the Cabinet

**REPORT TO:** Cabinet

**MEETING DATE:** 12 March 2019

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** New Housing Allocations Policy

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## **1 PURPOSE**

- 1.1 To seek Cabinet approval for the new Housing Allocations Policy prior to implementation.
- 1.2 To present Cabinet with further supporting information in respect of the policy review process and key elements of the new policy.

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet approves the new Housing Allocations Policy prior to implementation.
- 2.2 That Cabinet agrees an implementation date of 01 May 2019.
- 2.3 That Cabinet notes that the consultation process approach meets the Council's legal requirements under the Housing (Scotland) Acts 2001 and 2014 and also reflects good practice. Details of the consultation process and outcomes can be found in the Members Library paper referenced in this report.

## **3 BACKGROUND**

- 3.1 The Council operates a Group and Points Allocations Policy, which has been operational since its introduction in July 2007 following a major review of the previous policy. Some small changes have been made to the policy over the last few years. The most recent ones are referred to in the report to East Lothian Council (25 February 2014).
- 3.2. The main objective of the Allocations Policy is to meet the Council's legal obligations specified in the Allocations and Homelessness legislation. The policy also helps the Council to achieve, along with other complementary

actions, balanced and sustainable communities through local lettings plans.

- 3.3 The current policy continues to deliver positive outcomes for many on the housing list, gives applicant choice, supports high tenancy sustainment levels and at the same time has reduced refusal rates, which in turn helps with the quicker turnaround of empty houses.
- 3.4 In spite of these positive outcomes the level of homelessness generally and the demand for temporary accommodation remains high and waiting times for homeless applicants for rehousing continues to increase significantly with a concomitant increase in the length of time homeless applicants are spending in temporary accommodation. The extent of this challenge was reported to Cabinet in November 2017.
- 3.5 In addition, there were other aspects of the existing allocations policy that required review such as overcrowding points, which could be more nuanced, the use of temporary accommodation points and other aspects that could bring about improvements.
- 3.6 The Health and Housing Framework used to determine medical priority also required review and was brought within scope of this Project. The review looked at both the administration and assessment criteria used in the current framework.
- 3.7 Beyond the local drivers described above, the Scottish Government introduced the final commencement orders for the Housing (Scotland) Act 2014, which required the Council and all social landlords to review their allocations policy in light of these new requirements.
- 3.8 The legislative changes created a new framework for the review of allocations policies. There were changes around the reasonable preference groups with an additional unmet need requirement, the ability to take home ownership into account as well as changes to the conditions around successions, assignments and new model Short Scottish Secure Tenancy & Scottish Secure Tenancy Agreements.
- 3.9 As per the 2014 Act, the revised allocations policy was the subject of a full tenant, housing applicant and stakeholder consultation. The Allocations Consultation Survey was sent to all of the Council's tenants and housing applicants as well as stakeholders. Over 2,300 responses were returned – with significant majority support for the each of the proposals, which in turn provided a strong mandate for change. A separate paper detailing the consultation exercise is lodged in the Member's Library (March 2019).

### **3.10 Key Aspects of the Revised Policy**

- 3.11 Currently we give four overcrowding points where physical overcrowding exists for every extra bedroom a household requires over and above the number they currently have for their own use. The new policy looks to increase the level of overcrowding points to eight per extra bedroom required when there are two children of different sex currently sharing a



bedroom, one of whom is aged ten years or over. This is to acknowledge the greater pressure overcrowding creates in these circumstances.

- 3.12 In most family sized houses, the bedrooms are suitable for two people. However, there are some bedrooms that cannot be considered suitable for more than one person. In these circumstances, the new policy awards additional overcrowding points as part of the revised policy (whether a bedroom is suitable for one or two people will be determined by housing legislation in respect of space standards).
- 3.13 The existing policy awards varying levels of points depending on the applicant's reason for homelessness – this was to reflect the urgency of the applicant's need for re-housing but this can mean that some applicants are waiting for longer and other homeless applicants can be offered rehousing ahead of them.
- 3.14 The revised policy will introduce a flat rate of points for all applicants accepted for housing under homelessness legislation. Applications would receive the same number of points and be offered housing ordered by the date of their homelessness application. This would prevent newer applications being housed ahead of older applications.
- 3.15 The use of Temporary Tenancy Points will be removed as a result of the introduction of the flat rate of points and the total points level for all applications accepted under homelessness legislation will be capped at 100 points.
- 3.16 Currently the Council is unable to take property ownership into consideration. However, from the 1<sup>st</sup> May 2019, the Housing (Scotland) Act 2014 allows the Council to take home ownership into account when assessing an applicant's priority for social housing. This can be the ownership, or value of property that is owned or has been previously owned, by the applicant or a member of their household or someone who intends to live with them. This applies to existing tenants who are looking for a transfer as well as new applicants on the housing list.
- 3.17 Where applicants advise that they are currently home owners, their application will be accepted on to our housing list but will not be made active until there is a change in the applicant's circumstances or they meet the exemption criteria referred to in the Housing (Scotland) Act 2014. Where an applicant advises that they, or someone in their household, have recently sold a property, the Council will request further information regarding the proceeds from the sale. Housing Options will then be discussed with the applicant based on this information.
- 3.18 In December 2017, the Scottish Government introduced the Private Residential Tenancy Agreement, which is a new type of secure tenancy agreement for use by private landlords. This new agreement offers greater security for those renting privately. As such, the revised policy will see the removal of insecurity points from applications which utilise the new

agreement. This will give more priority to applications that experience a lesser degree of security seen in tenancy agreements that pre-date December 2017.

- 3.19 Some applications on the housing list come from existing tenants who currently live in a tenemental flat or a flat with a shared stairway. These council tenants may wish to move from their flat to another type of council property, however, they have no housing need under the current policy. The revised policy looks to award four points to those tenants with children aged five or under when they apply to transfer to another property type and award three points to all other tenants who live in this type of flat or shared stairway who subsequently wish to move.
- 3.20 The Health & Housing Framework has also been reviewed as part of this Project. It has been updated to reflect current thinking in relation to dementia & housing options, i.e. makes links to the Wellwynd Hub and use of SMART technology. In addition, the framework has been streamlined to allow for quicker assessment and decision-making at a local level.
- 3.21 The Health & Housing supporting documentation, such as the application form and guidance have been reviewed along with the associated procedures to simplify the assessment process.

#### **4 POLICY IMPLICATIONS**

- 4.1 The Council can be satisfied that the new Housing Allocations Policy is compliant with legal requirements and is delivering good outcomes for housing applicants most in need and those experiencing homelessness.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – The Policy itself is cost neutral.
- 6.2 Personnel – None.
- 6.3 Other – None.

#### **7 BACKGROUND PAPERS**

- 7.1 Appendix A – Housing Allocations Policy 2019 – March 2019.

- 7.2 East Lothian Council Report – Housing Allocations Policy Review – February 2014.
- 7.3 Cabinet Report – Homelessness Update and Action Plan – November 2017.
- 7.4 Cabinet Report – Review of Housing Allocations Policy – January 2018.
- 7.5 Cabinet Report – Housing Allocations Targets 2019/20 – March 2019.
- 7.6 Member’s Library Report – Allocations Policy Consultation Exercise – March 2019.
- 7.7 Integrated Impact Assessment – March 2019.

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<b>DATE</b>	March 2019



**East Lothian Council**  
**Allocations Policy**

**March 2019**

**Version 0.7**

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## **Appendices**

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## Section 1: Introduction

This policy is the allocation policy of East Lothian Council. It describes how we let our council houses and set priorities between applicants. It covers both housing list applicants and tenants who wish 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 East Lothian Plan 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
- working in the best possible way so we meet our required standards i.e. our commitments to corporate parenting, kinship & foster carers, refugees & asylum seekers and the Armed Forces.
- 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. To this end, the Council is committed to protecting the rights and privacy of individuals including those rights set out in the General Data Protection Regulation ('GDPR'), Data Protection Act 2018 ('DPA 2018') and other data protection legislation.
- 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 legislative and regulatory framework for the allocation of social rented homes is governed by the **Housing (Scotland) Act 1987** (as amended by the Housing (Scotland) Act 2001), (the 1987 Act) and more recently the Housing (Scotland) Act 2014, (the 2014 Act) which covers social housing allocations and tenancy management

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 to which all social landlords should aim to achieve, and to publish these in a Scottish Social Housing Charter. The Charter first came into effect in 2012 and was revised recently in 2017. 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 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](http://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 2014** amends section 20 of the 1987 Act and 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 persons and persons threatened with homelessness and who have unmet housing needs;
- (b) people who are living under unsatisfactory housing conditions and who have unmet housing needs; and
- (c) Tenants of houses which are held by a social landlord, which the social landlord selecting its tenants considers to be under-occupied.

### **3.4 Unmet Housing Need**

The first two reasonable preference groups, (a) and (b) above, are subject to the qualification that the applicant should also have unmet housing needs. The 2014 Act tells states that people have unmet housing needs 'where the social landlord considers them to have housing needs which are not capable of being met by housing options available'. Being able to meet their own housing needs could be described as being able to secure suitable accommodation which meets their needs from existing housing options.

East Lothian Council is not required to give reasonable preference to those who are homeless or threatened with homelessness or who are living in unsatisfactory housing conditions if their housing needs can be met in another way.

### 3.5 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, 2003 & 2014 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. Part II of the 1987 Act (as amended) also defines 'persons threatened with homelessness'. A person is threatened with homelessness if it is likely that he or she will become homeless within 2 months.

The Homelessness (Abolition of Priority Need) (Scotland) Order 2012 came into effect on the 31<sup>st</sup> December 2012 and means that all unintentionally homeless persons, and who have unmet housing needs will be entitled to settled accommodation.

### 3.6 Rapid Rehousing & Housing First

A safe and secure home is the best base to build and live our lives. Reducing the time people spend homeless and in temporary accommodation also reduces the damage to people's health and wellbeing that being homeless causes. The Homelessness and Rough Sleeping Action Group (HARSAG) made a recommendation that was accepted by the Scottish Government to end rough sleeping and transform the use of temporary accommodation.

**Rapid Rehousing** means a settled, mainstream housing outcome as quickly as possible where homelessness cannot be prevented.

**Housing First** provides ordinary, permanent housing as a first, rather than last, response for people with complex needs.

The Scottish Government has asked each local authority to submit to them their Rapid Rehousing Transition Plan (RRTP) by December 2018. The Scottish Government will use our RRTP to assess our progress towards their 5 year vision of a transition to a rapid rehousing approach.

### 3.7 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
- housing debt where the outstanding amount is not more than 1/12<sup>th</sup> of the annual charge or whereby there is an agreed arrangement to pay the outstanding liability and the applicant has made payments for at least 3 months
- 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 applicant's income or that of their family

Note: Social landlords can now consider property ownership as part of assessing an applicant's housing needs and their circumstances. Please see Section 4.8 for further information.

### 3.8 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

### 3.9 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 set out in the General Data Protection Regulation ('GDPR'), Data Protection Act 2018 ('DPA 2018') and other data protection legislation.

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

### 3.10 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. More specifically, the **Housing (Scotland) Act 2014** requires social landlords to consult the groups listed. These are:

- applicants on the housing list;
- their tenants;
- registered tenant organisations;
- such other persons as landlords see fit.

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 at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk).

### 3.11 Tenant Scrutiny

Tenant scrutiny is a way of giving tenants and their representatives' greater influence and the ability to hold their landlord to account. With the introduction of the Social Housing Charter and the independent Scottish Housing Regulator came the requirement that landlords must be more proactive in self-regulation and must involve tenants in the scrutiny process.

This form of self-assessment is not something new to East Lothian Council and we have good structures already in place through our Tenant Participation Strategy and Scrutiny Framework.

Our objective is to:

*Make sure tenants and customers take a lead role in assessing and examining our housing services in a clear and open manner. To report their findings in a way that supports and allows the Council to make improvements and deliver a good quality service, which is value for money and increases tenant and customer satisfaction.*

There are many benefits of scrutiny for both the Council and our tenants, some of which include service improvements, efficiency savings and enhanced tenant and customer satisfaction.

### **3.12 Equalities Issues**

The Equality Act 2010 means 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 or belief; sexual orientation; sex; marriage and civil partnership.

The purpose of the Public Sector Equality Duty in section 149 of the Equality Act 2010 is to place 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.

In line with East Lothian Council's positive approach to achieving equal opportunities, an Integrated Impact Assessment was carried out on this policy in March 2019. For a copy of this assessment please email [policy@eastlothian.gov.uk](mailto:policy@eastlothian.gov.uk)

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.

## **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 assessed 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 the 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 owners. 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 & 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.

<b>Family Group</b>	<b>Size of Property</b>
Single person	*Studio flat or 1 bedroom
Couple/civil partnership	1 or 2 bedrooms
Single parent with access to a child/children from a previous relationship	1 or 2 bedrooms
Couple/civil partnership or single parent with 1 permanently resident child	2 bedrooms
Couple/civil partnership or single parent with 2 permanently resident children	2 or 3 bedrooms
Couple/civil partnership or single parent with 3 permanently resident children	3 bedrooms
Couple/civil partnership who have permanently resident children of different sex, one of whom is over the age of 10	3 bedrooms
Couple/civil partnership or single parent with 4 or more permanently resident children	3 or 4 bedrooms

### **Definition of a child**

A person is considered a child if they are aged 16 or under and still at school; or up to the age of 18 if they are in full time education.

A person aged 16/17 and has left school, who may or may not be working, is considered an adult.

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

### **4.6 Young People who are Care Experienced**

Young people who are care experienced tend to leave home at a much earlier age than their peers, and generally experience poorer outcomes in

relation to housing. It is, therefore, recommended that a stable and secure home with adequate support is necessary for the wellbeing of these young people.

Applicants who are assessed as ready for their own tenancy should be referred to the Rehousing Panel for an award of priority (See page 46).

Foster carers and kinship carers who are approved, or who are in the process of being approved, may be entitled to apply for an extra bedroom to provide care for a child over and above that of the usual occupancy levels. This aligns with the Council's Corporate Parenting responsibility.

#### **4.7 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.

The allocations policy also awards tenants of social housing in East Lothian priority points per bedroom being downsized.

#### **4.8 Heritable Property (Home/Land Ownership)**

Before the introduction of the new Housing (Scotland) Act 2014, landlords were unable to take home ownership into consideration when allocating social housing. This has now changed and landlords can take into account whether the applicant is, or has been, a home owner - this also applies to any funds that are the proceeds from a property that has been sold by the applicant or a person who will live with the applicant. Also taken into account is ownership of any land, or buildings on that land, either currently or previously owned in Scotland, the rest of the UK or abroad. This applies to existing tenants looking to transfer as well as new applicants.

Property ownership will be disregarded when:

- The property owned is not let but the owner cannot access the property, for example, when the property is uninhabitable, or they cannot access it due to illegal occupation without any lease being in place
- Where continued occupation of the property would lead to abuse
- Where continued occupation of the property could damage the applicant's health and no steps can be taken to avoid this

## 4.9 Tenancy Fraud

Tenancy fraud presents a significant challenge to providers of social housing and preventing fraudulent misuse of housing stock is a priority for all local authorities as social housing is a limited resource for which there is great demand.

Housing providers, such as East Lothian Council, have lengthy housing lists and a duty to help certain reasonable preference groups covered by legislation i.e. those that are homeless or threatened with homelessness.

Tenancy fraud prevents landlords from offering suitable accommodation to those in most need. Recovering a property lost to tenancy fraud means it can be re-let to another household who is genuinely in housing need.

### What do we mean by tenancy fraud?

Tenancy fraud can be broadly defined as the deliberate use of deception or dishonesty to disadvantage or cause loss to another person or party. It occurs when a council property is occupied by someone who is either not legally entitled to be there or has obtained use of the property fraudulently.

Tenancy fraud causes significant social harm and can lead to antisocial behaviour. It deprives legitimate applicants in housing need access to affordable homes and has a direct impact on local people, their families and their communities.

Failure to act on tenancy fraud impacts on the Council in the following areas:

- Inability to make best use of stock
- Increased use of temporary accommodation
- Increase in properties used for illegal activities
- Reduced ability to tackle homelessness
- Risk of damage due to lack of access for repairs/inspection
- Reputational damage to both tenants living in social housing and the Council

Some examples of tenancy fraud include: -

**Application or allocation fraud:** Obtaining housing by deception - this happens when a person gets a council home by giving false or misleading information in their application form or providing false documentation to support their application. For example, not telling the truth about who is, and is not, part of their household or not being honest about their housing circumstances when they may become homeless.

- **Subletting fraud:** A tenant rents out all or part of their property on a short or long term basis to someone else for private rental rates without the knowledge or permission of the landlord.
- **Succession fraud:** A person moves into a property when the legal tenant either dies or moves away, and that person does not have the right to move in.
- **Abandonment:** When a tenant does not use the property as their principal home but lives elsewhere, thereby depriving someone who needs social housing of the benefits of the property.

Most people applying for housing wait their turn to be allocated a home.

Housing cheats don't wait, they jump the queue. It's not fair.

They use up valuable housing spaces which deprive those in greater need.

### **Preventative Measures - Acknowledge, Prevent & Detect**

The most effective measure against tackling tenancy fraud is to prevent it from occurring in the first place. As part of our drive to prevent tenancy fraud (and also to support applicants for our housing); we will undertake a number of checks at the application, sign-up & settling-in stages to establish proof of identify & residency of all members of the household - this may include face to face interviews. Other measures could include: -

- Regular tenancy audits - annual visits to a percentage of tenancies
- Photographs of tenants linked to their tenancy agreement. These can be checked by visiting officers prior to a visit
- Visit properties; including at unsocial hours
- Whistleblowing policy to encourage 'tip offs' and involve the community
- Forms made available to report fraud
- Freephone number
- Tenancy fraud amnesty periods (where no action will be taken)
- Web page outlining what tenancy fraud is and support for reporting
- Social media campaigns
- Articles in Homefront highlighting ongoing campaigns
- Staff awareness training - regular training would be required to ensure that there is a consistent approach and staff feel supported to carry out these roles
- Data matching exercises to highlight potential fraud cases

We aim to achieve this by preventing and detecting fraud and taking effective action. When tenancy fraud is identified, East Lothian Council will take action to end the fraudulent activity and recover the property. We will share information regarding the fraudulent activity with other departments

and agencies. We will do this in line with our legal obligations in respect of GDPR and the consent given by all applicants for housing managed by East Lothian Council as a part of the application process.

#### **4.10 Armed Forces Community Covenant**

East Lothian Council signed an Armed Forces Community Covenant in 2013 with the aim of ensuring that Service personnel, their families and ex-Service personnel are not, in any way, disadvantaged in the provision of their entitlements and support from statutory services due to the transient nature of their military employment.

As part of this Covenant all parties are encouraged to work together to deliver six key objectives in support of Service personnel, their families and ex-Service personnel in East Lothian. The following objective relates to housing allocations:-

##### **Objective 3: Housing**

Develop clear direction and guidance within the Local Authority and the Armed Forces as to what levels of service provision can be expected and what is required of the military community to enable them.

Further information on the priority given to members of the Armed Forces is given in Section 5.

It is the intention of East Lothian Council to work towards providing dedicated housing for ex-Service personnel in East Lothian.

## **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 unsatisfactory 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.

Following assessment, any applicants who are considered as having no housing need (as defined by the policy) will not be eligible for an offer of housing.

### **5.3 Homelessness Prevention & Housing Options Advice**

Section 2 of the Housing (Scotland) Act 2001 sets out a duty for local authorities to provide advice and information on homelessness and the prevention of homelessness free of charge to any person in their area.

The prevention of homelessness can be viewed as providing Housing Options advice together with a comprehensive range of information relating to a potential housing solution for people already living or working in East Lothian or for those who wish to do so. Helping people to retain their accommodation is vital in preventing the stress of upheaval to individuals and families.



The process begins when someone approaches the Council with a housing problem and will involve looking at an individual's options and choices in the widest sense. The advice can also cover personal circumstances which may not necessarily be housing related, such as debt advice, mediation and health issues. The Council will work closely with the applicant and other services to assist with these issues from an early stage in the hope of avoiding a housing crisis, such as becoming homeless.

As part of a Housing Options approach tailored for each individual, Housing Options Officers will discuss the relevant housing options available should the current housing situation breakdown - this may include social housing and other tenures such as private rented housing, low cost home ownership etc.

#### **5.4 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 Needs
- 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.

##### **5.5.1 Transfer Applications**

- Unsatisfactory housing conditions AND who have unmet housing needs
  - Health Needs
  - Social Need
  - Two Tenancies for One
  - Overcrowding
  - Tenemental Flat or Shared Stair
- Homeless persons & persons threatened with homelessness AND who have unmet housing needs
  - Domestic Abuse
  - Harassment
- Social housing tenants in East Lothian who are under occupying their tenancy
  - Housing Supply Points

### 5.5.2 General Needs Housing Applications

- Unsatisfactory housing conditions And who have unmet housing needs
  - Health Needs
  - Social Need
  - Key Worker
  - Two Tenancies for One
  - Shared Amenities
  - Housing Supply Points (tenants of a registered social landlord only)
  - Overcrowding
  
- Homeless persons & persons threatened with homelessness AND who have unmet housing needs
  - Domestic Abuse
  - Harassment
  
- Social housing tenants in East Lothian who are under occupying their tenancy
  - Housing Supply Points

### 5.5.3 Specialist/Adapted Property

- Unsatisfactory housing conditions And who have unmet housing needs
  - Health Needs
  - Social Need
  - Key Worker
  - Two Tenancies for One
  - Shared Amenities
  - Housing Supply Points (tenants of a registered social landlord only)
  - Overcrowding
  
- Homeless persons & persons threatened with homelessness AND who have unmet housing needs
  - Domestic Abuse
  - Harassment
  
- Social housing tenants in East Lothian who are under occupying their tenancy
  - Housing Supply Points

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

Needs Factors	Groups	Transfer	General Needs	Specialist Property
<ul style="list-style-type: none"> <li>People who are living under unsatisfactory housing conditions AND who have unmet housing needs</li> </ul>	<b>Health Needs</b>			
	<ul style="list-style-type: none"> <li>Cat. A</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>Cat. B</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>Cat. C</li> </ul>	✓	✓	✓
	Social Need	✓	✓	✓
	Keyworker		✓	✓
	Two Tenancies for One	✓	✓	✓
	Shared Amenities	✓	✓	✓
	Loss of Tied Tenancy		✓	✓
	Loss of Service Tenancy - Armed Forces		✓	✓
	Overcrowding (per bedroom short)	✓	✓	✓
	Closing Order	✓	✓	✓
	Tenemental Flat or Shared Stair	✓		
Insecurity of Tenure (private tenancies created prior to December 2017)			✓	✓
<ul style="list-style-type: none"> <li>Social housing tenants who are under occupying their tenancy</li> </ul>	Housing Supply (transfer & RSL tenants only)	✓	✓	✓
<ul style="list-style-type: none"> <li>Homeless persons &amp; persons threatened with homelessness AND who have unmet housing needs</li> </ul>	Those accepted for re-housing under homelessness legislation		✓	✓

## 5.6 About Unsatisfactory Housing Conditions

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.

### 5.6.1 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 conditions, 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](http://www.eastlothian.gov.uk) or the Health & Housing Panel procedures in Section 8.13.

- 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 8.12).

### 5.6.2 Social Need 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](http://www.eastlothian.gov.uk) available at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk).

### **5.6.3 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.

### **5.6.4 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.

### **5.6.5 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.

### **5.6.6 Overcrowding**

This needs factor covers overcrowding, which is part of the Unsatisfactory Housing Conditions reasonable preference group.

Living with overcrowding impacts in different ways depending upon the circumstances of the household, for example, age, gender, size of bedroom, number of bedrooms and property type. East Lothian Council recognises the variety of ways being overcrowded can affect households and award varying levels of priority accordingly.

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 (page 15).

Four points are awarded for every extra bedroom the applicant requires, for example, one bedroom short equals four points and two bedrooms short equals eight points. **4 points**

The exception to this is when there are two children of different sex sharing a room, one of whom is aged ten years or over - in these circumstances the applicant would be awarded eight points. **8 points**

Where a bedroom is considered to be a single room (the room/space standards outlined in the Housing (Scotland) Act 1987 refers) and it is being shared by more than one person, an additional award of priority can be applied. This will be considered on a case by case basis. **4 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 8.12 Re-housing Panel procedures for further information.

### **Definition of a child**

A person is considered a child if they are aged 16 or under and still at school; or up to the age of 18 if they are in full time education.

A person aged 16/17 and has left school, who may or may not be working, is considered an adult.

### **Foster & Kinship Carers**

Foster carers and kinship carers who are approved, or who are in the process of being approved, may be entitled to apply for an extra bedroom to provide care for a child over and above that of the usual occupancy levels. This aligns with the Council's Corporate Parenting responsibility.

## 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/Leave 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

Applicants who **do have** a private residential tenancy will not be entitled to insecurity points during the period of their tenancy as this type of tenancy agreement offers the tenant a greater level of security of tenure.

The Council recognise the insecurity of tenure applicants in the private rented sector who **do not** have a private residential tenancy may experience - they may be served Notice to leave their tenancy by their landlord. Note: all tenancies that started after 1<sup>st</sup> December 2017 will be private residential tenancies.

Applicants in the private sector who have an earlier form of tenancy agreement (issued prior to 1<sup>st</sup> December 2017) will receive eight points to reflect this insecurity.

### 5.7.2 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

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.

### **5.7.3 Loss of Service Tenancy - Armed Forces**

**4 points per year to a maximum of 40 points**

The applicant must provide a Certificate of Cessation of Entitlement to Occupy Service Accommodation, the reasons that is the tenancy is coming to an end, and the date by which the applicant must vacate the property. On satisfactory assessment of this information, the application will be activated and be awarded needs points for each completed year of service.

The following rules also apply:

- upon receipt of an application from Service personnel, East Lothian Council will take a flexible approach in relation to local connection
- applications for housing will become active no earlier than 6 months before the applicant is discharged from HM Forces.
- in the case of Service personnel leaving the Forces because of injury or disability and who may require housing specifically adapted for their needs. Such applicants should also apply to the Council's Health & Housing Panel for further consideration Section 8.13 refers.

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', they will still be entitled to points from the date they took up their employer's 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 private residential 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 a Closing Order**

**80 points**

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

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.

## **5.9 Social Housing Tenants who are under occupying their tenancy**

The Housing (Scotland) Act 2014 introduces ‘Tenants of houses which are held by a social landlord, which the social landlord selecting its tenants considers to be under-occupied’ as a reasonable preference group. Social landlords want to make best use of their available housing stock and giving priority to social housing tenants who are under-occupying their home is one way of doing this.

**5.10 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.

East Lothian Council tenants who are downsizing may be eligible for further financial incentives when freeing up larger properties. 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.

**5.11 Homeless Persons & Persons threatened with Homelessness AND  
who have unmet housing needs** **100 points**

All unintentionally homeless households are entitled to settled accommodation.

All applicants accepted for re-housing under homelessness legislation will be awarded the same level of priority points and ordered by the date of their homelessness application. Each application will be assessed on a case by case basis.

If you feel that you cannot remain safely in your home, for example, you could have received a Notice to Leave from your landlord, be experiencing domestic abuse or harassment etc., then advice and assistance is available from the Council's Housing Options Team - for further information telephone freephone **0800 169 1611**.

**5.12 Tenemental Property or Property with a Shared Stair**

Council tenants living in a tenemental property or a flat with a shared stairway will be awarded an additional priority to allow them to move to another property type should they wish to do so.

Council tenants in tenemental flats or with a shared stair who have children aged five and under. **4 points**

All other Council tenants in a tenemental flat or with a shared stair. **3 points**

## **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 60<sup>1</sup> 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

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<sup>1</sup> 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**

Sheltered housing consists of a 1 or 2 bedroomed, ground or first floor property. Where properties are over two stories 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 bedroomed 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 8.13.

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](http://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](http://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.

All applicants **must** provide proof of identification, for example, driving license, passport, birth certificate etc. when applying for housing. They **must** also prove residency for those named on their application, for example, with a utility bill, bank statement etc. In both instances these should be original documents (which can be copied and verified at council offices and returned). Only on receipt of all required information, will we process an application for housing - we will do this within **fourteen** days.

Application forms and further information on the evidence requirements 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](http://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. Please contact our Housing Options Team for further information on freephone **0800 169 1611**.

## **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 aligns 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 ask 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 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 & Property Types**

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 accepted for rehousing under homelessness legislation and who have not received an offer of housing within 6 months of acceptance, will be required to meet with their Housing Options Officer to review their application where existing areas and house types are not realistic.

This will result in a mandatory widening of areas of choice (to include a main town), property size (in accordance with existing occupancy levels) and include all property types (unless there is a relevant health assessment to indicate otherwise) 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 a change in their circumstances as soon as possible. Applicants who wish to alter their housing requirements can do so by completing a 'change of choice' 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 set out in the General Data Protection Regulation ('GDPR'), Data Protection Act 2018 ('DPA 2018') and other data protection legislation. 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 (as per GDPR legislation).

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 lower points level and limit our ability to offer 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. From the 1<sup>st</sup> November 2019, requests from a tenant to add a joint tenant will only be allowed once the proposed tenant has been living in the house for 12 months and the landlord has been made aware that they were living there at the outset of that 12 month period.

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 Allocations & Offers**

We will try to match empty houses to applicants as quickly as possible. We will give a copy of our Lettings Commitment to all prospective tenants.

We will deliver all offers to applicants currently living in East Lothian by hand. We will send offers to applicants living outside East Lothian by Royal Mail Special Delivery. Applicants must respond to an offer within a reasonable time, and no later than three days from date the offer is delivered.

Applicants must accept or refuse an offer within two days of viewing the house. If applicants do not reply within this time, we will record this as a refusal.

### **Viewings**

We will arrange accompanied viewings for all prospective tenants. We will

inform the prospective tenant(s) about all the repairs to be carried out during the void period and post allocation.

## Sign Up

We will ask tenants to a meeting at which they will sign their Tenancy Agreement. This allows us to:-

- get to know our new tenants
- make them fully aware of their rights and responsibilities
- offer advice and assistance

Tenancies may start on any day of the week, at the earliest possible date. We will agree this date in conjunction with the new tenant.

## 8.9 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.**

## 8.10 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](http://www.eastlothian.gov.uk) Our policy aligns with Section 20B of the Housing (Scotland) Act 1987 and Section 6 of the Housing (Scotland) Act 2014.

The 2014 Act gives landlords the statutory right to suspend applicants from receiving an offer of housing from the point of application (depending on the circumstances) for a period of up to three years - there is a right to appeal this decision to the Sheriff Court.

We suspend applications only if one of the relevant grounds specified in legislation exists. For example: -

- the person has acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of the house occupied by the person
- pursued a course of conduct amounting to harassment of such other person
- the applicant or someone who has lived with the applicant has been convicted of using a house for immoral or illegal purposes
- an offence punishable by imprisonment which was committed in or in the locality of, a house occupied by the person
- acted in an antisocial manner in relation to an employee of East Lothian Council in the course of making an application
- an applicant's previous social tenancy or joint tenancy has been repossessed when abandoned

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

We will write to applicant(s) when we apply a suspension to advise them of the reason for suspension and to offer them the opportunity to appeal our decision. All suspended applications will be reviewed on a regular basis.

## **8.11 Review of the Housing List and Cancellations**

### **8.11.1 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.

### **8.11.2 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.**

## 8.12 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
- care experienced children

- **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.

- Care Experienced Children

A stable and secure home with adequate support is essential to the wellbeing of young people both in and leaving care, as young people in care generally experience poorer outcomes in relation to housing. Also recommended is the provision of permanent accommodation and housing support to ensure suitable homes for young people in the Council's care.

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.

### **8.13 Health & Housing Panel**

The Health & Housing assessment process was introduced by the Council in 2005 and reviewed in 2019. 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.

### **8.14 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.

For example, this could be where a full local lettings plan is not required: -

- Antisocial Behaviour

Where there have been incidences of antisocial behaviour and a sensitive let(s) may reverse the trend.

### **8.15 Asylum Seekers & Refugee Families**

East Lothian Council and its partners aim to support asylum seekers and refugees where appropriate, providing assistance to integrate them and help them to make East Lothian their new home - more information is available on request

### **8.16 Referrals to Registered Social Landlords**

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 will ensure that this policy, and its implementation, comply with our stated aims and objectives and are in line with relevant legislation. We will comply with the monitoring requirements of Audit Scotland, The Scottish Government, The Scottish Housing Regulator and the Scottish Social Housing Charter. Information will also be provided for the Annual Return of the Charter. Performance information will be collated and reported in line with national good practice.

### 9.1 Scottish Social Housing Charter

We will 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 Councils' commitment to achieving continuous improvement in service delivery.

The data for indicators is collated across a number of frequencies: monthly, quarterly, annually and 3 yearly. The 3 yearly data is gathered within our comprehensive satisfaction survey.

Number	Charter Indicator	Data Collation
1	Percentage of tenants satisfied with the overall service provided by their landlord	3 Yearly
2	Ethnic origins and disability details of service users	Routinely
3	Percentage of tenants who feel their landlord is good at keeping them informed about their services and decisions	3 Yearly
4 & 5	Percentage of 1 <sup>st</sup> and 2 <sup>nd</sup> stage complaints responded to in full in the last year, that were resolved by the landlord and also the percentage upheld	Annually
	Percentage of 1 <sup>st</sup> and 2 <sup>nd</sup> stage complaints responded to in full in the last year within the Scottish Public Services Ombudsman (SPSO) Model Complaint Handling Procedure (CHP) timescales.	Quarterly
6	Percentage of tenants satisfied with the opportunities given to them to participate in their landlord's decision making processes.	3 Yearly
18	Percentage of tenancy offers refused	Monthly
21	Percentage of lettable houses that became vacant in the last year	Annual
22 & 23	Percentage of approved medical adaptations completed during the reporting year	Annual

Number	Charter Contextual Indicators	Data Collation
C7	Number of lets during the reporting year, split between “general needs” and “supported housing”	Monthly
C8	The number of let during the reporting year by source of let	Monthly
C9	Types of tenancies granted for lets during the reporting year	Annual
C10	Housing Lists	Monthly

## 9.2 Monitoring

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. Feedback from the results of our New Tenant Survey Information on all of the matters that we presently monitor is available on request.

Performance information is considered by senior staff at regular operational meetings, management team meetings and is included within reports to the Council’s Policy and Performance Review Committee.

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

### 9.2.1 Accessing the Housing List

- Number of new applications, including processing within the policy targets of 14 days
- Reasons for application to assess levels of need and applicants’ preferences
- Applications deferred and cancelled

### 9.2.2 Offers and Refusals

- The total number of offers made including acceptances or refusals
- Reasons for refusal, as well as by type of property and area

### **9.2.3 House Lets**

- Houses let to applicants by household group, type of property and location
- Nominations and referrals to housing associations

### **9.2.4 Appeals and Complaints**

- Number of appeals made and outcomes
- Number of complaints made including outcomes

The above reports are not exhaustive and other reports will be made available upon request.

### **9.3 Documentation**

We aim to ensure that all allocation documents meet agreed equality and plain language standards including: the policy, the application and associated 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](mailto: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](http://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](mailto:enquiries@careinspectorate.com)

## **Appendices**

**Appendix 1: Law and Good Practice**

**Appendix 2: Other Policies & Strategies**

**Appendix 3: Nominations / Referrals to Housing Associations**

**Appendix 4: The Points Table**



## **Appendix 1: Law and Good Practice**

### **Law**

Housing (Scotland) Act 2014

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 31<sup>st</sup> May 2005)

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

Equality Act 2010

The Children and Young People (Scotland) Act 2014

### **Good Practice**

Social Housing Allocations: A Practice Guide. Scottish Government. 2011 & February 2019

Scottish Social Housing Charter. Scottish Housing Regulator 2012 (as amended 2017)

Chartered Institute of Housing: Standards.

Care Inspectorate; National Care Standards for Housing Support

Housing Protocol Options for Care Leavers (2013)

## Appendix 2: Other Policies & Strategies

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

- Local Housing Strategy
- Homelessness Strategy
- Strategic Housing Investment Plan
- assignation 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
- Health & Housing Panel

## **Appendix 3: Referrals to Registered Social Landlords**

### **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

Needs Factors	Groups	Points
<ul style="list-style-type: none"> <li>• People who are living under unsatisfactory housing conditions AND who have unmet housing needs</li> </ul>	<b>Health Needs</b>	
	<ul style="list-style-type: none"> <li>• Cat. A</li> </ul>	80
	<ul style="list-style-type: none"> <li>• Cat. B</li> </ul>	50
	<ul style="list-style-type: none"> <li>• Cat. C</li> </ul>	6
	Social Need	300
	Keyworker	80
	Two Tenancies for One	80
	Shared Amenities	8
	Loss of Tied Tenancy	40
	Loss of Service Tenancy - Armed Forces	4 points per year - max 40 points
	Overcrowding (per bedroom short)	4 or 8 pts
	Closing Order	80
	Tenemental Flat or Shared Stair	4 or 3 pts
Insecurity of Tenure (private tenancies created prior to December 2017)	8	
<ul style="list-style-type: none"> <li>• Social housing tenants who are under occupying their tenancy</li> </ul>	Housing Supply (transfer & RSL tenants only)	20 pts per bedroom

<ul style="list-style-type: none"> <li>• Homeless persons &amp; persons threatened with homelessness AND who have unmet housing needs</li> </ul>	<p>Those accepted for re-housing under homelessness legislation</p>	<p>100</p>
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**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

**REPORT TO:** Cabinet

**MEETING DATE:** 12 March 2019

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Council House Allocations Targets for 2019/20

**3**

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**1 PURPOSE**

- 1.1 To seek Cabinet approval for Council House Allocation Targets for the period 1 April 2019 to 31 March 2020.
- 1.2 To explain the context, legal position and rationale for the proposed targets.

**2 RECOMMENDATIONS**

- 2.1 That Cabinet approves the recommended targets detailed in Section 3.22 of this report.
- 2.2 That Cabinet notes that performance against these targets is reviewed on a weekly basis and that such review forms part of the analysis in setting future targets in 2019/20 and beyond.
- 2.3 That Cabinet notes that ongoing regular monitoring of performance has been embedded within the Community Housing Performance Management Framework.

**3 BACKGROUND**

- 3.1 The Council operates a Group and Points Allocations Policy, which has been operational since its introduction in July 2007 following a major review of the previous Policy. Some small changes have been made to the policy since its adoption, the most recent ones are referred to in the report to East Lothian Council (25 February 2014). A further review has recently been completed and is the subject of an accompanying report to Cabinet dated March 2019.
- 3.2 The main objective of the Allocations Policy is to meet the Council's legal obligations specified in the Allocations and Homelessness legislation. The

policy, along with other associated actions will also help the Council make best use of Council housing stock. In addition, the policy also assists the Council achieve, along with other complementary actions, balanced and sustainable communities through local lettings plans.

### **Legal Obligations**

- 3.3 In setting any targets against each group the Council must give reasonable preference to certain statutory groups when allocating Council houses. These include applicants living in unsatisfactory housing conditions, tenants in social housing who are under occupying their property and who have unmet housing needs and to those applicants who are homeless or threatened with homelessness.
- 3.4 Most of the statutory groups are found in the General Needs Group, although some applicants may fall into the Transfer Group, such as those who need re-housing because of overcrowding, under-occupation or whose health is being negatively impacted upon in their current accommodation.
- 3.5 The Homelessness etc. (Scotland) Act, which took effect from 1 January 2013 has abolished the “priority need” test and now places a duty on local authorities to provide settled accommodation to anyone found to be unintentionally homeless.
- 3.6 The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 states that persons who are pregnant or who have dependent children and those who might reasonably be expected to reside with them cannot occupy unsuitable temporary accommodation i.e. bed and breakfast for longer than seven days (prior to October 2017 this was 14 days). This in turn places further demands on the Council’s housing list.
- 3.7 The Children and Young People (Scotland) Act 2014 specifically impacts on the provision of accommodation to young people leaving the care system. The Council “Starter Flat” approach, which allocates these tenancies within the General Needs Group has already helped the Council deliver its corporate parenting objectives.

### **Target Principles**

- 3.8 Scottish Government Allocations Guidance (2011) states that all targets should contain sufficient flexibilities to allow the landlord to continue to meet significant need when a target has been reached. The functionality to review targets against changing housing demand forms part of a responsive allocations policy.
- 3.9 With this in mind, the allocations targets will be reviewed within six months to ensure that they continue to reflect the greatest housing demand. If, after analysis, a change to the targets is deemed necessary, a paper outlining the change will be submitted to Cabinet for approval.

### **Making best use of stock**

- 3.10 Significant effort has been made in the last few years to encourage transfer activity in order to make best use of stock i.e. by creating vacancy chains, which free up additional houses to those initially let to transfer applicants.
- 3.11 To help facilitate this, the Council has also 'incentivised' transfers for existing tenants in larger family-sized properties to move to smaller and more appropriately sized accommodation by awarding downsizing grants.
- 3.12 Housing benefit changes with effect from April 2013 affected those who have a "spare" bedroom deemed to be under occupying. This has led to some tenants wanting to downsize, in turn creating greater demand for smaller sized accommodation.
- 3.13 Full mitigation of the Housing Benefit under-occupancy reduction through Discretionary Housing Payments has helped ease this pressure but this may not continue to be a long-term solution and is the subject of various committee reports.
- 3.14 Cabinet previously approved allocations targets in January 2018 (Cabinet report dated 16 January 2018). This action recognised the Transfer target and the General Needs target need to broadly align to overall housing list demand where most of the reasonable preference groups' applicants can be found, not least those who are homeless. As previously, it is proposed that the targets remain set at this level going forward.
- 3.15 At the end of January 2019, 75% of all allocations for 2018/19 have gone to the General Needs group against a target of 70% and 24.77% of allocations have gone to the Transfer group (against a target of 25%).

### **Sustainable Communities**

- 3.16 Good practice states that landlords should not exclude any prospective tenants from accessing housing.
- 3.17 Good practice also dictates that Local Lettings Plans can only be used where there is demonstrably good reason to do so e.g. high turnover, anti-social behaviour etc. and to promote and enable balanced and sustainable communities.
- 3.18 The Council must set appropriate targets for those with low housing need at such a level that make sufficient material and positive impact to Local Lettings Plans, but at the same time continue to allow the Council to meet its overriding legal obligations to the reasonable preference groups as defined in housing legislation. As such, this flexibility within the lettings targets to positively and materially impact on housing allocations should be retained.
- 3.19 Each local housing team has been asked to consider potential local lettings plans to help achieve balanced and sustainable communities. These plans will then be taken to their respective Local Housing Partnerships (LHP) for further consideration and support.

- 3.20 On support from their respective LHPs, Local Lettings Plans will be submitted to the Members Library. It is anticipated that the total target for Sustainable Communities will not exceed 5% but again will be subject to strict monitoring.

**2018/19 Allocations against reported groups (as at end of Jan 2019)**

- 3.21 There were a total of 428 allocations from 1 April 2018 to 31 January 2019. The following table shows the numbers and percentages of allocations for the following groups for this period.

Type	Number	Percentage	Targets 2018/19
General Needs	321	75%	70%
Transfers	106	24.77%	25%
Sustainable Communities	1	0.23%	5%
Total	428	100%	100%

- 3.22 Taking account of the 2018/19 data, legal obligations such as the recent change to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014, increasing pressure on the provision of temporary accommodation, optimum stock utilisation and sustainability objectives, senior management within Housing propose the following percentage targets for 2019/20.

Group	Proposed Targets
General Needs	<b>70%</b>
Transfers	<b>25%</b>
Sustainable Communities	<b>5%</b>

- 3.23 These targets should be seen in the context of a range of measures required by the Council and its partners to increase the supply of affordable housing, reduce waiting times in temporary accommodation and to address homelessness, the detail of which can be found in the recent Rapid Rehousing Transition Plan Report to Cabinet dated 22 January 2019.



#### **4 POLICY IMPLICATIONS**

- 4.1 The proposed allocations targets will assist the Council to meet its legal obligations under the Housing (Scotland) Act 2001, the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (as amended) and the Homelessness etc. (Scotland) Act 2003 as well as align with the Scottish Government's policy agenda on tackling homelessness.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – Continuing to set targets at this level will help reduce the overall financial strains on the provision of temporary accommodation by assisting throughout of all forms of temporary accommodation to settled accommodation.
- 6.2 Personnel – None.
- 6.3 Other – None.

#### **7 BACKGROUND PAPERS**

- 7.1 Cabinet Report – Council Housing Allocations Review – March 2019.
- 7.2 Cabinet Report – Council House Allocations Targets for 2018/19 – January 2018
- 7.3 Cabinet Report – Homelessness Update and Action Plan – November 2017.
- 7.4 Cabinet Report – Draft East Lothian Rapid Rehousing Transition Plan 2019/20 – 2034/24

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<b>DATE</b>	March 2019



**REPORT TO:** Cabinet

**MEETING DATE:** 12 March 2019

**BY:** Chief Executive

**SUBJECT:** Improvement to Excellence: East Lothian Council's Continuous Improvement Framework and Strategic Performance Framework

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**4**

## **1 PURPOSE**

- 1.1 To seek Cabinet approval for the Improvement to Excellence framework and the Strategic Performance Framework.

## **2 RECOMMENDATIONS**

Cabinet is asked to:

- 2.1 Approve Improvement to Excellence: East Lothian Council's Improvement Framework (Appendix 1)
- 2.2 Approve the Strategic Performance Framework (Appendix 2)
- 2.3 Note that the Policy Performance and Review Committee will review the Strategic Performance Indicators that are reported quarterly and annually.

## **3 BACKGROUND**

- 3.1 The Council adopted 'From Improvement to Excellence' as its continuous improvement framework in March 2012. The framework has been reviewed and revised on several occasions since then, resulting in relatively minor amendments. The self-evaluation for improvement to excellence (SELFIE) part of the framework, which is delivered through How Good is Our Council? has also been reviewed and revised on several occasions since it was introduced in 2009.
- 3.2 'From Improvement to Excellence' and SELFIE / HGIOC have been revised again to take account of the Council's new priorities as set out in the 2017-2022 Council Plan, the experience and practice of operating these frameworks over the last few years, and also the findings and recommendations of the Quality

Scotland, Recognised for Excellence (R4E) assessment and Audit Scotland Best Value Assurance Review that were carried out in 2018.

3.3 The Council's continuous improvement framework is based on five-inter-related elements:

- Setting clear outcomes and objectives – what we need to do to achieve our vision and ambitions
- Self-evaluation – measuring how we are doing and what we need to improve
- Service improvement planning and management – setting out how we are going to deliver and manage our services, resources and improvement
- Performance management, monitoring and reporting – monitoring how we are doing so we know what we need to improve
- External assessment and accreditation – how others see us and gaining external validation.

3.4 Each of these has been reviewed and a revised Improvement to Excellence framework has been prepared. (see Appendix 1)

3.5 The main alterations that have been made are as follows.

- The introduction of the RADAR principles – Results; Approach; Deployment; Assessment; Review – in order to make the connection to the European Foundation of Quality management (EFQM) approach more explicit
- The development of the concept of the 'Spiral of Continuous Improvement' rather than 'cycle' in order to highlight the continuous improvement nature of the framework
- A new section on the Workforce Plan
- Service Planning guidance on preparing 3-year service plans has been revised to reflect the Council outcomes and objectives and reflect the RADAR principles. Service Plans will be live documents to be reviewed and revised as required to take account of annual HGIOS activity and improvement actions
- The Performance Management element includes reference to the adoption of a small set of Council Plan indicators and the hierarchy of performance indicators that are used in a new Strategic Performance Framework (as was recommended by both Quality Scotland and Audit Scotland)
- Self-evaluation for Improvement to Excellence (SELFIE) has been revised with a clearer distinction between the Corporate Governance Self-evaluation and the introduction of How Good is our Service? (HGIOS), which will provide a more service focussed self-evaluation. HGIOS will be

carried out in two phases – the performance elements will be carried out in late spring/ early summer, following the publication of annual performance indicators; the people elements will be carried out in autumn following the employee engagement survey that will be carried out in October. A revised question set for HGIOS has been developed ensuring greater clarity.

- 3.6 Accurate, high quality, timely and comprehensive performance data is essential to the effectiveness of the Council's Improvement Framework. Performance data is generated for a range of purposes.
- Services collect a large number of indicators that are used to monitor delivery of their service plans and for management purposes or to meet the requirements to report on national performance frameworks and / or Strategic Plan indicators.
  - The Strategic Performance Indicators (or Key Performance Indicators) are the set of indicators that show how Council services are performing across a range of factors such as cost, performance and satisfaction.
  - The 50 Council Plan Indicators is a smaller set of indicators that monitor progress in achieving the Council Plan's nine strategic goals and key commitments
  - The Top 10 show at a glance how the Council is performing in achieving the Council Plan.
- 3.7 Appendix 2 is the Council's Strategic Performance Framework 2017-2022. The Council Plan Top 10 and Top 50 indicators are set out with either a 2016/17 or 2017/18 baseline figure and a 2022 target. The Top 50 Indicators are mapped against the Council Plan's themes, objectives and Strategic Goals.
- 3.8 Some of the targets will flow from other strategies such as the IJB's Strategic plan or the Climate Change Strategy that are still being developed so the Framework includes recommended targets that will be confirmed once the strategies have been adopted. Most of the Top 10 and Top 50 indicators will be reported on an annual basis, although some such as those taken from the Residents Survey will be biennial.
- 3.9 As highlighted above, the Top 10 and Top 50 Indicators sit on top a larger number of indicators that are monitored and reported to the Policy and Performance Review Committee on a quarterly or annual basis. These include the 80 plus indicators that are reported through the Local Government Benchmarking Framework and the indicators that meet Audit Scotland's requirement for the Council to publish Statutory Performance information. Officers are reviewing these Strategic or Key Performance Indicators and will report the outcome of the review to the Policy Performance and Review Committee in June.

#### **4 POLICY IMPLICATIONS**

- 4.1 The revised Improvement to Excellence framework takes on board the findings and recommendations of the recent R4E and Best Value assessments and ensures that the Council continues to have a reliable and fit for purpose approach to ensuring the Best Value principles are well embedded.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well-being of equalities groups and an Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none.  
6.2 Personnel – none.  
6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 Appendix 1: Improvement to Excellence: East Lothian Council's Improvement Framework  
7.2 Appendix 2: East Lothian Council's Performance Monitoring Framework 2017-2022

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<b>DATE</b>	22 <sup>nd</sup> February 2019

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## IMPROVEMENT TO EXCELLENCE

### East Lothian Council's Improvement Framework

*An even more prosperous, safe and sustainable East Lothian,  
with a dynamic and thriving economy, that enables our  
people and communities to flourish.*

(March 2019)



## Improvement to Excellence East Lothian Council's Improvement Framework

**Improvement to Excellence** is the Continuous Improvement Framework through which East Lothian Council will continue to strive for best value and continues to move from improvement to excellence. The 2017-2022 Council Plan sets out the Council's strategic aims and priorities and provides the overall direction and focus for how the Council will deliver the outcomes which achieve progress in meeting our vision of: *An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enable our people and communities to flourish.*

The Council has put delivery of excellent services at the heart of what we do. One of the four priorities in the Council Plan is *Growing our Capacity to deliver excellent services as effectively and efficiently as possible within our limited resources.* We recognise that there is always more we could do to improve services, make them more effective and deliver them more efficiently – balancing quality of service with value for money. This means we need to continuously review what we do, how we do it and the impact we are having, then deploy the lessons learned to ensure we deliver improving services and real excellence.

The Council's commitment to continuous improvement and this Improvement Framework are centred on the belief that we have to be self-aware of our strengths and areas for improvement, we need to be more proactive about identifying improvement opportunities and managing our performance, and be critically honest in our evaluation of our own performance. Inspections, audits and accreditation support the process by providing independent and external assessment of how we are doing and what can be improved.

All Council staff have a responsibility to strive to deliver excellent, efficient and effective services. However, managers throughout the organisation have a responsibility to lead and manage the improvement process and act as role models by adopting good management behaviours and practices<sup>1</sup>:

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<sup>1</sup> These points have been adapted from an Audit Commission report, '*Performance Breakthrough*'



- Translating the Council Plan and East Lothian Plan (our Local Outcome Improvement Plan) into something that is meaningful for their service via the One Council concept
- Putting into practice, the concept of Improvement to Excellence through this Improvement Framework
- Showing staff that performance matters and helping people perform to the best of their ability and being prepared to deal with situations where the service is under-performing.
- Ensuring all staff work together, striving to meet objectives through a common set of values and behaviours – ‘One Council’
- Understanding about whether things are improving, and if not, use joined up thinking to learn what could be done to improve
- Measuring what matters to service users and to staff to ensure effort and resources are invested in what is most important
- Taking action to ensure that change happens efficiently and effectively.

**Improvement to Excellence** is designed to ensure the Council meets its legal requirement to provide Best Value.

- Are we doing the right things?
  - Are we doing them right?
    - How do we know how well we are doing?
      - Could we do things differently to be better?

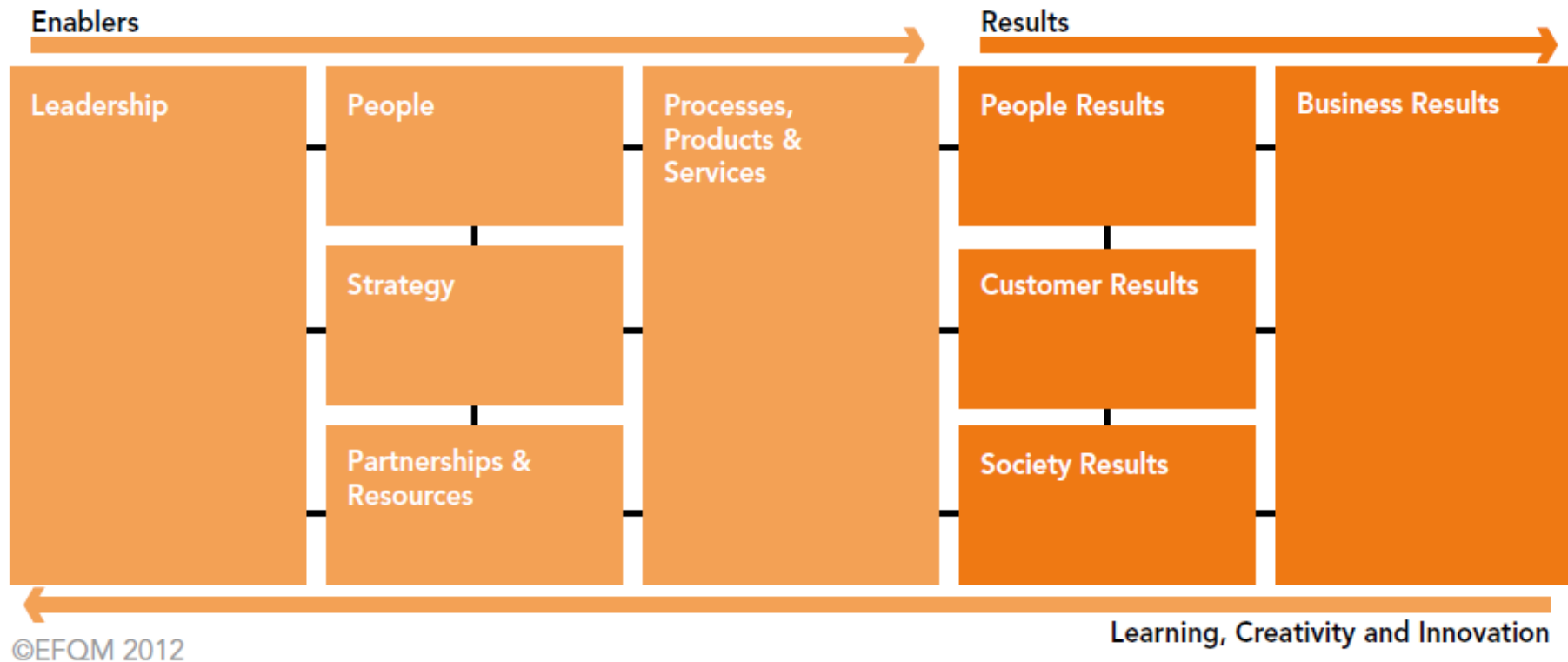
**Improvement to Excellence** consists of five inter-related elements, which form the basis of continuous improvement.

1. **Setting clear outcomes and priorities** – what we need to do to achieve our vision and ambitions
2. **Service and improvement planning** – setting out how are we going to deliver and manage services, resources and improvement
3. **Performance management, monitoring and reporting** – monitoring how we are doing so we know what we need to improve
4. **Self-evaluation** – measuring how are we doing and what do we need to improve
5. **External assessment and accreditation** – how others see us and gaining external validation.

## European Foundation For Quality Management (EFQM)

**Improvement to Excellence** incorporates the principles of the EFQM framework in order to help us ‘...*achieve and sustain outstanding levels of performance that meet or exceed the expectations of all their stakeholders.*’ The model enables us to understand the cause and effect relationships between what we do (‘enablers’) and the results we achieve.

The EFQM model comprises five ‘Enabler’ criteria and four ‘Results’ criteria:



Improvement to Excellence also integrates the EFQM **RADAR** principles to help drive continuous improvement:

**Results** – setting out what our goals are and how we are going to judge whether we are achieving them

**Approach** – planning and developing the approaches we are going to take to achieve the required results

**Deployment** – putting these approaches into practice in a systematic way to ensure they are implemented

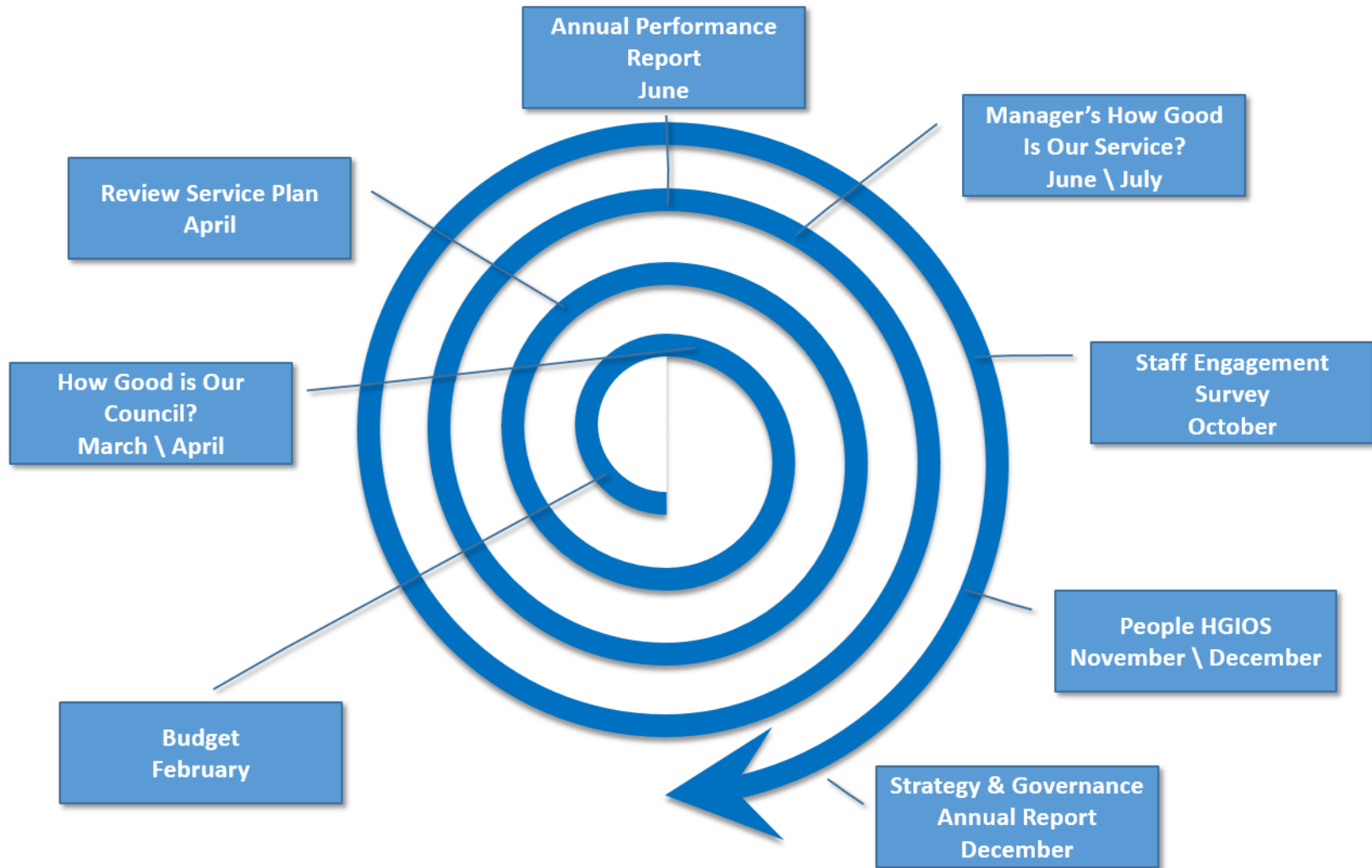
**Assessment** – monitoring and evaluating our performance and whether our approaches have been deployed effectively

**Refinement** – reviewing how we could improve our approaches, deployment and performance

Improvement frameworks normally show these as a cycle of activities. However, East Lothian Council's Improvement to Excellence framework is displayed as a '***Spiral of Continuous Improvement***' with every part of the framework contributing to improvements which move us forward rather than taking us back to the beginning of the cycle.

The Continuous Improvement Spiral is depicted below and Appendix 1 provides the annual liner timetable of key elements of the continuous improvement framework.

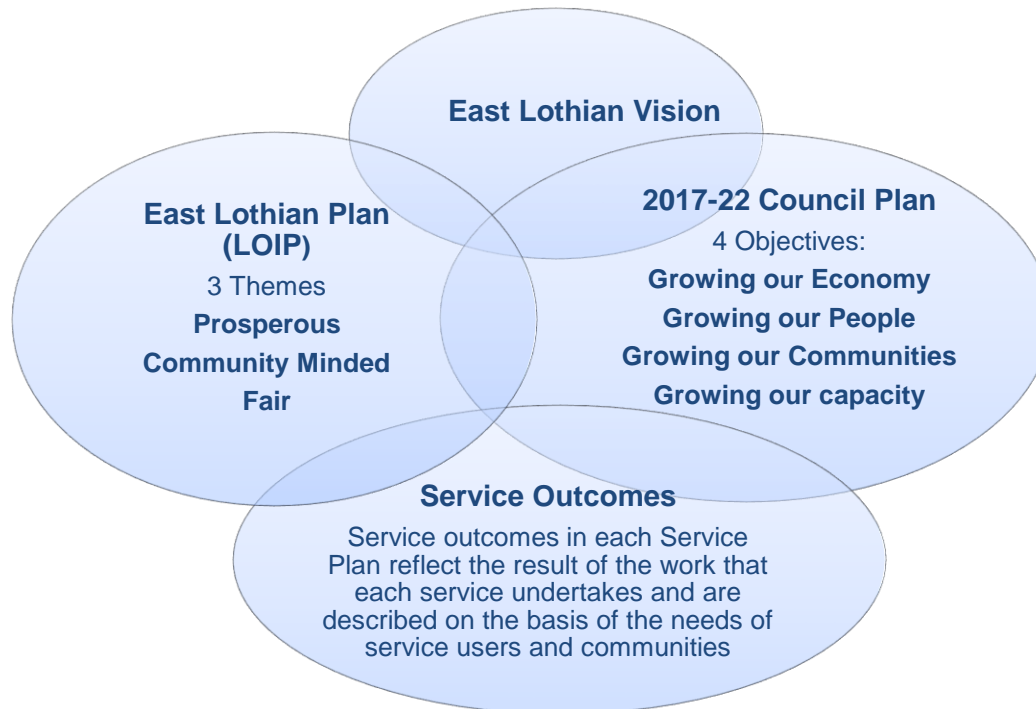
# East Lothian Council's Spiral of Continuous Improvement



## 1. Setting Clear Outcomes and Priorities

The Council and East Lothian Partnership<sup>2</sup> have adopted a clear vision of **“An even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish.”** The Council Plan and East Lothian Plan (Local Outcome Improvement Plan) set out the key outcomes and priorities that the Council and its partners have set in order to achieve that vision. The Council Plan has four objectives – Growing our Economy; Growing our People; Growing our Communities; and, Growing our Capacity. The East Lothian Plan has three themes – Prosperous, Fair and Community Minded. In addition, both the Council and Partnership have an overarching objective to Reduce Inequalities.

Each council service will develop their own Service Plan, setting out the ‘Service Outcomes’ that reflect how the service will contribute to achieving the outcomes and priorities of the Council Plan and East Lothian Plan. Appendix 2 details the main documents and policies relating to the key elements of the continuous improvement framework.



<sup>2</sup> The East Lothian Partnership is our Community Planning Partnership which includes statutory partners – the Council, NHS Lothian, Police Scotland, Scottish Fire and Rescue Service and Scottish Enterprise – and a wide range of other partners including community organisations

## 2. Service and Improvement Planning

Service and improvement planning principally is carried out at a service and business unit level through the Service Planning process and at a Council wide level through strategic planning of Finance, Assets, Workforce and Risk. These plans set out the approaches the Council and services take to achieve their objectives, outcomes and priorities.

### Service Planning

Service Plans provide a link to the priorities and outcomes set out in the Council Plan and the East Lothian Plan, any relevant legislation that is specific to the Service and to the results of assessment and review for improvement identified through self-evaluation and performance monitoring.

The Service Plan provides a specific representation of what is involved in the delivery of outcomes and priorities, recognising the resource implications, actions, and risks concerned. Service Plans translate 'what we intend to do' into 'how we will achieve it'.

Service Plans should be three or four year plans. They should be live documents that are reviewed and revised as required (as a minimum, annually) to incorporate and take account of any budget changes that will impact on the service, the environment in which these services operate, and any new improvement actions identified by the self-evaluation process, based on reviews of performance and employee engagement.

Service Plans will:

- identify the challenges each service is facing
- detail the relevant Council priorities and outcomes to which the service will contribute
- define service specific outcomes which will also reflect the Council's priorities
- summarise strengths and areas for improvement arising from self-evaluation
- outline the actions required to achieve those outcomes and improvement.

Service Plans will contain the outcome indicators for each Service. The action and improvement plan should contribute to the achievement of the outcome indicators. Any indicators or measures used should have a clear definition, to establish what is being measured and how. Indicators should be based on **robust and reliable data**, with **targets**, and, where relevant, appropriate **segmentation, trends** and **benchmarks**.

Service Plans should also identify the main risks that might prevent the Service from achieving its ambitions.

Some business units or teams may have their own plans. These will be linked to the Service Plan but serve a slightly different purpose. Unit or Team plans provide a more functional link for staff and managers to refer to. For most staff the Unit or Team Plan would answer the question: 'What am I meant to be doing?' These plans will be the unit or team's work plan for the year. Unit or Team plans reflect the diverse nature of the way in which the Council's services are structured.

## Financial Planning and Management

The financial objective of the Council is to provide the services that are required to meet the Council's objectives within the budget set by the Council and with Council Tax and charges set at appropriate levels to meet its objectives. Underpinning this objective are two key principles of public finance that the Council must observe – that there should be no taxation in advance of need and that there should be fairness in the tax burden between generations and taxpayers. The Council plans for the medium term through its Financial Strategy statement and its three-year revenue and five-year capital planning processes.

Budget review and development is not a once-a-year process. External circumstances are continuously changing and performance compared against budget will be under regular review with formal reports to the Council or Cabinet following the end of each quarter and a year-end report to the Council following submission of the draft accounts for audit. In addition, monthly and quarterly performance reports are issued to managers with budget responsibility. Quarterly financial statements are reported to the Council with risk ratings associated with actual or possible over or under spends on budget allocations. The overall finances of the Council are subject to detailed annual independent audit review.

## Asset Management Planning

The **Corporate Asset Strategy** covers six areas, each with an appointed Lead Officer:

- Property (including fixed and movable cultural assets)
- Roads and related assets
- Open Space
- Information and Communications Technology (ICT)
- Fleet
- Housing.

A framework for future investment decisions has been established in order to support the integration of asset management planning and investment decisions. Elected members have responsibility for approving the Financial Strategy and Council budgets. Regular reports on the Capital Plan programme are made to the Cabinet. The **Corporate Asset Group (CAG)**, which is chaired by the Chief Executive, is the strategic body for asset management and capital investments decisions and projects. It is responsible for effective and efficient asset management at a corporate level. The **Capital Investment and Asset Management Group (CIAMG)** is the senior officer governance body which acts as the advisory body with regard to the Council's Asset Management Framework and related activities. The Council has also established a new Education & Learning Estate workstream led by the Depute Chief Executive Resources and People Services and the Head of Education to focus on the part of our estate that seeks to support all aspects of Education and Learning.

## Workforce Plan 2018 - 2023

**The Workforce Plan 2018 - 2023** aims to support the Council to achieve the vision and ambitions set out in the Council Plan and address the challenges it faces by providing a coherent and consistent approach to ensuring a skilled, motivated, flexible and well managed workforce. The workforce vision is that the Council will be an employer of choice and our staff will:

- have the skills, knowledge, experience and motivation to deliver the highest quality service
- be flexible and adaptable around our changing organisational needs
- be resilient to change and instigate, as well as adapt to, changes in service delivery
- be satisfied and engaged and feel safe at work
- work in partnership across all services and with the Council's partners and communities to effectively deliver essential services and outcomes
- feel valued and recognised for the contribution they make to achieving the Council's vision and objectives
- be supported, empowered and trusted
- take personal responsibility and ownership to be effective in their jobs.

The Plan to achieve this workforce vision is based around three themes:

- Sustaining a Skilled, Flexible and Motivated Workforce



- Supporting Transformational Change
- Building and Sustaining Leadership and Management Capacity.

The plan contains almost 40 actions which have been grouped together under seven workstreams which aim to deliver the Workforce Plan.

**Performance Review and Development (PRD)** provides an opportunity for all staff to review how they contribute to the Council's vision and the Council Plan. It provides the link between the staff and the improvement framework by identifying whether and how individuals can be supported to help contribute to the achievement of the Council's objectives.

## Risk Management

Risk management is the process of identifying, analysing, treating and monitoring risks which face the organisation. Risks are recorded within the Council Risk Register, Service Risk Registers or project risk registers.

Corporate risks represent those risks with the potential to impact on the 'corporate body', East Lothian Council, in achieving its stated policies and corporate objectives and those that require strategic leadership (for example the East Lothian Plan). The Council Management Team has responsibility for the Council Risk Register.

Service risks represent the potential for impact on 'individual services' in relation to service delivery, or the experience of those who work within the services, i.e. staff, partners, contractors and volunteers, or the general public and clients in receipt of the services provided. Service risks may be included on the corporate risk register where a risk impacts on multiple services or requires significant central resources in the development of risk control measures. Heads of Service have responsibility for Service Risk Registers.

The Council Risk Register and Service Risk Registers are reviewed annually to ascertain progress and to check for contextual changes affecting the risks. Services are also encouraged to be proactive in identifying new or potential risks throughout the year.

### 3. Performance Management, Monitoring and Reporting

#### Performance Indicators

Accurate, high quality, timely and comprehensive performance data is essential to the effectiveness of the Council's Improvement Framework. Performance data is generated for a range of purposes which can be shown as a pyramid.

- ✚ Services collect a large number of indicators that are used to monitor delivery of their service plans and for management purposes or to meet the requirements to report on national performance frameworks and / or Strategic Plan indicators.
- ✚ The Strategic Performance Indicators (or Key Performance Indicators) are the set of indicators that show how Council services are performing across a range of factors such as cost, performance and satisfaction.
- ✚ The 50 Council Plan Indicators is a smaller set of indicators that monitor progress in achieving the Council Plan's nine strategic goals and key commitments
- ✚ The Top 10 show at a glance how the Council is performing in achieving the Council Plan.



## Results Attributes

The range of performance data collected should be regularly reviewed to ensure that data collected is useful in terms of being able to measure performance against key priorities and outcomes.

It is important that data collected provides the ability to measure the quality of the service provided and customer/ client satisfaction with the service provided, not just the volume of service delivery – outcomes and not just inputs and outputs.

The following table outlines EFQM considerations and expectations around Results:

<b>Relevance &amp; Usability</b>	
Scope & Relevance	A coherent set of results, including key results, are identified that demonstrate the performance of the organisation in terms of its strategy, objectives and the needs and expectations of the relevant stakeholders.
Integrity	Results are timely, reliable & accurate.
Segmentation	Results are appropriately segmented to provide meaningful insights.
<b>Performance</b>	
Trends	Positive trends or sustained good performance over the last 3 years.
Targets	Relevant targets are set and consistently achieved for the key results, in line with strategic goals.
Comparisons	Relevant external comparisons are made are favourable for the key results, in line with the strategic goals.
Confidence	There is confidence that performance levels will be sustained into the future, based on the established cause & effect relationships.

Consideration should be given to how the Council's performance can be benchmarked against comparator authorities or organisations (see below).

## Monitoring and Reporting

The reporting of performance data is required in a number of respects. The regular reporting of accurate and clear information (and effective scrutiny of that information) helps lead to good decision making and improved performance. Managers can use performance data to identify where performance is below expectations and take remedial action to improve performance. Reviewing targets in the light of experience – setting higher targets where performance is above expectations – can help to drive continuous improvement.

The reporting of performance to elected members, the public and other stakeholders helps to ensure accountability. All performance indicators are reported via the Council's performance management software. This can also be used to report and monitor actions from Service and other Plans and Risk. Performance Indicators, Service Plan Actions and Risks can all be shown on the Council's website. Performance is reported in several different ways to satisfy the needs of different stakeholders, including senior managers, elected members, the public and auditors.

## Scrutiny by Elected Members

Scrutiny of Council and service performance is conducted by the Policy & Performance Review (PPR) Committee and the Audit & Governance Committee. Scrutiny of the Police and Fire & Rescue Service is conducted by the Police, Fire and Community Safety Scrutiny Committee. The remit and powers of the scrutiny committees are set out in detail in the Council's Standing Orders and Scheme of Administration.

The Committees each plan their work programme in advance in order to balance regular items with scrutiny arising from performance monitoring. The Committees are able to recommend changes in policy or practice to Council or Cabinet, where appropriate. Members of the PPR Committee are provided with a briefing on each Quarter's Performance Indicators and they can seek further information or explanation of any issues about poorly performing indicators at the subsequent Committee meeting.

## Role of Council Management Team

The Council Management Team (CMT) considers monthly reports from each Head of Service which highlight any significant issues in relation to performance, finances, workforce and risk. The CMT will also consider quarterly and annual reports on Key Performance Indicators. It could suggest or take action in response to poor performance or increased risk in any area to ensure that the Council maintains its improvement momentum.

## Benchmarking

Benchmarking is the process of comparing performance, and approaches against other local authorities (or other relevant organisations) to identify and share good practice and help identify where improvements could be made. Benchmarking usually involves a framework of comparable indicators underpinned by groups or forums that allow participants to share their experiences and learn from one another. Some of the main benchmarking frameworks for local government in Scotland are described below.

### **Local Government Benchmarking Framework (LGBF)**

Every council in Scotland participates in the LGBF, which provides a common set of indicators allowing councils to compare their performance with one another. Several 'family groups' have been developed to ensure that comparisons are made between councils that are similar in terms of the type of population that they serve (e.g. relative deprivation and affluence) and the type of area in which they serve them (e.g. urban, suburban, rural). The family groups allow participants to identify and share good practice between councils.

### **Scottish Housing Network (SHN)**

The SHBVN facilitates data collection, analysis and reporting of cost and performance information for housing services. Practice Exchange Forums are also provided to allow participants to examine key issues highlighted by the benchmarking results.

### **Association for Public Service Excellence (APSE)**

APSE's Performance Networks cover a wide range of services, including Roads, Environmental Health, Building Cleaning, Street Cleansing, and Refuse Collection. The Networks allow council across the UK to compare their performance and share best practice.

All Council services are encouraged to benchmark their performance. The frameworks outlined above allow for the continual use of benchmarking by providing a set of consistent measures and mechanisms for identifying and sharing best practice. However, these frameworks will not cover all aspects of the Council's work. Even where a framework cannot be used, services might be able to benchmark their performance or processes informally simply by contacting other local authorities who may be willing to share information.

## 4. Self-Evaluation for Improvement to Excellence (SELFIE)

The development of robust self-evaluation is a key component of the continuous improvement framework. Self-awareness of strengths and areas for improvement, and taking action to build on strengths and address areas for improvement is essential if the Council is to move from improvement to excellence.

The Council conducts self evaluation using the **Corporate Governance Self-Evaluation** framework (How Good is our Council?), and **'How Good is Our Service?' (HGIOS)** which provides the framework for self-evaluation at a service level.

### The Corporate Governance Self-evaluation (How Good is our Council)

Corporate Governance Self-evaluation is based around the six principles set out in the CIPFA / SOLACE Code of Good Practice:

- ❖ Focusing on the purpose of the authority; on outcomes for citizens; and, service users and creating and implementing a vision for the area
- ❖ Members and Officers working together to achieve a common purpose with clearly defined functions and roles
- ❖ Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behavior
- ❖ Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- ❖ Developing the capacity and capabilities of members and officers to be effective
- ❖ Engaging with local people and other stakeholders to ensure robust public accountability

The Council Management Team (CMT) carries out an annual self-evaluation using the framework and taking consideration of the results of service self-evaluations (HGIOS), performance information, the auditors' reports, inspections and external accreditations.

The improvement actions identified through the Corporate Governance Self-evaluation will form the basis of the Council Improvement Plan.

### 'How Good is Our Service?' (HGIOS)

Through collating and evaluating evidence and assessing performance using a framework based on the EFQM model, HGIOS provides the basis for services to identify areas for improvement. Different self-evaluation frameworks may be used where a

specific model has been developed for that service area (for example, the Care Inspectorate Performance Improvement Model or 'How Good is Our School?'). Performance improvement tools, such as, Lean Thinking, can also be used to complement self-evaluation by assisting services to review the effectiveness of their processes. Any improvement actions that need to be undertaken as a result of the self-evaluation should be included in the relevant Service Plan.

The HGIOS framework is based around five key questions:

- What key outcomes have we achieved?
- How well do we meet the needs of stakeholders?
- How good is the delivery of key processes?
- How good is our management?
- How good is our leadership?

### 'How Good is Our Service?' Key questions

Key Questions				
What key outcomes have we achieved?	How well do we meet the needs of stakeholders?	How good is our delivery of key processes?	How good is our management?	How good is our leadership?
1. Key Performance Outcomes <i>1.1 Improvement in Performance</i> <i>1.2 Adherence to statutory principles and fulfilment of statutory duties</i>	2. Impact on service users <i>2.1 Impact on service users</i> 3. Impact on staff <i>3.1 Impact on staff</i> 4. Impact on the community <i>4.1 Impact on the local community</i>	5. Delivery of key processes <i>5.1 Delivering services</i> <i>5.2 Developing, managing and improving partnerships</i> <i>5.3 Inclusion, equality and fairness</i> <i>5.4 Improving the quality of services</i>	6. Policy Development and planning <i>6.1 Policy review and development</i> <i>6.2 Service planning and strategic planning</i> 7. Management and support of staff <i>7.1 Sufficiency, recruitment and retention</i> <i>7.2 Deployment and teamwork</i> <i>7.3 Development and training</i> 8. Resources <i>8.1 Delivering services in partnership</i> <i>8.2 Financial management</i> <i>8.3 Resource management</i> <i>8.4 Information systems</i>	9. Leadership <i>9.1 Leadership and direction</i> <i>9.2 Leadership of innovation, change and improvement</i>

The HGIOS framework also incorporates the **RADAR** principles (**Results, Approach, Deployment, Assessment and Refinement**). It has been broken down into two key areas – performance and people (our staff). The ‘performance’ elements of HGIOS will be evaluated using evidence principally drawn from performance indicators and service user/ customer feedback. The ‘people’ related elements will principally draw on the experience of staff and evidence from the employee engagement survey.

The Performance elements of HGIOS, based around the annual performance indicators, will normally be carried out in spring / summer.

The People elements, based around the results of the annual employee engagement survey with further staff engagement will normally undertaken in late autumn.

An annual round of ‘peer reviews’ where services present their HGIOS findings to other services provide the opportunity for service managers to share good practice and highlight areas for improvement in a



## 5. External Assessment and Accreditation

### External Audits and Inspections

The Council is subject to various external inspections and audits carried out by national inspection agencies including Audit Scotland, the Care Inspectorate, Education Scotland and the Scottish Housing Regulator. These agencies form the Local Area Network (LAN) which carries out an annual Shared Risk Assessment to provide an assessment of the main risks that they believe the Council faces. Based on the advice of the LAN, Audit Scotland publishes an annual Local Scrutiny Plan outlining any planned scrutiny and inspection activity that will be carried out as a result of the assessment.

The results of this external scrutiny and inspection provide actions which the external auditors/ inspectors believe are required to improve performance. These improvement / action points should be reflected in Service Plans and the Council Improvement Plan.

The HGIOS self-evaluation is intended to meet the requirements of external inspections carried out by regulators and inspections bodies. Many of the questions and statements addressed in HGIOS can be matched to questions and statements covered by external audits and inspections so that duplication in completing various evaluations and submissions can be minimised.

### Accreditation

Accreditation and awards from peer bodies and accreditation bodies can be a useful way to assess whether the Council as a whole, or particular services, are performing to the highest standards.

The Council has achieved a Silver Investor in People (IIP) award (March 2017) and a Gold Investor in Young People (IIYP) award (November 2017) and was awarded a 4-Star Recognised for Excellence (R4E) accreditation by Quality Scotland (June 2018).

There are close linkages between Best Value Assessment, HGIOS, IIP/ IIYP and R4E. Work has been undertaken to ensure that as far as possible the statements, questions and evidence set in HGIOS reflect the requirements of other audit, inspection and accreditation frameworks.

## Appendix 1: Continuous Improvement Annual Timetable

When	What
January	Complete data entry of Q3 Performance Indicators/ review and add comments
	Local Government Benchmarking Framework published by Improvement Service (to be reported to Feb PPR Co)
February	3-yr Budget approved
	Q3 Performance Indicators reported to PPR Co
	Begin 3-yr Service Plan annual refresh
March	How Good is Our Council/ Corporate Governance Self-Evaluation – feeds into Council Improvement Plan to be approved by Cabinet
April	Complete data entry of Q4 and Annual Performance Indicators/ review and add comments
	Complete Service Plan annual refresh and submit to Head of Service
May	How Good is our Service Peer Reviews
June	Q4 and Annual Performance Indicators reported to PPR Co
	Begin How Good is Our Service (Performance) Self-evaluation
July	Complete data entry of Q1 Performance Indicators/ review and add comments
	Complete How Good is our Service (Performance) Self-evaluation and Improvement Plan (amend Service Plan if required)
	How Good is our Service Peer Reviews

When	What
August	Annual Public Performance Report published
	Q1 Performance Indicators published
September	Complete input of Local Government Benchmarking Framework Data
	How Good is our Service Peer Reviews
October	Complete data entry of Q2 Performance Indicators/ review and add comments
	Employee Engagement Survey
November	Results of Employee Engagement Survey published
	Begin How Good is Our Service (People) self-evaluation
	Q2 Performance Indicators published
	Verify Local Government Benchmarking Framework data and comments
	HGIOS Peer Reviews
December	Council Plan Annual Report published
	Complete How Good is Our Service (People) Self-evaluation and Improvement Plan

## Appendix 2: Documents and Policies supporting Continuous Improvement

The following are the main documents and policies relating to the key elements of the Improvement Framework. Policies and guidance regarding each of the elements of the Improvement Framework are available on the Council's intranet.

Outcomes	Self-evaluation	Service and Improvement Planning and Management				Performance Reporting	External Assessment
		Service Planning	Resource Management	Workforce Management	Risk Management		
2017-2022 Council Plan	Self-evaluation Guidance	Service Planning Guidance	Financial Strategy	Workforce Plan and Implementation Plan	Risk Management Strategy	Reporting of Key Performance Indicators	Services users, customer and citizens feedback
East Lothian Plan 2017-2027 (Local Outcome Improvement Plan)	Corporate Governance Self-evaluation framework	Service Plans	Asset Management Strategy	Service Review Process	Council Risk Register	Performance Data Quality Policy	Auditors reports
Service Plans	Employee Engagement Survey		Capital Strategy	Performance Review and Development	Service Risk Registers		Best Value Assessment
Outcomes and Performance Management Guidance				Equalities in Employment Monitoring			Inspections from national agencies Scotland
							Investor in People (IiP)
						Recognised for Excellence (Quality Scotland)	



# East Lothian Council's Strategic Performance Monitoring Framework 2017- 2022

*An even more prosperous, safe and sustainable East Lothian,  
with a dynamic and thriving economy, that enables our  
people and communities to flourish.*

(March 2019)

## Strategic Performance Monitoring Framework

Accurate, high quality, timely and comprehensive performance data is essential to the effectiveness of the Council's Improvement Framework. Performance data is generated for a range of purposes which can be shown as a pyramid.

- ✦ Services collect a large number of indicators that are used to monitor delivery of their service plans and for management purposes or to meet the requirements to report on national performance frameworks and / or Strategic Plan indicators.
- ✦ The Strategic Performance Indicators (or Key Performance Indicators) are the set of indicators that show how Council services are performing across a range of factors such as cost, performance and satisfaction.
- ✦ The 50 Council Plan Indicators is a smaller set of indicators that monitor progress in achieving the Council Plan's nine strategic goals and key commitments
- ✦ The Top 10 show at a glance how the Council is performing in achieving the Council Plan.



## The Top 10 Indicators

	Indicator	Baseline 2016/17	2017/18	2022 Target
1.	Job density – proportion of people of working age (16-64) in employment in East Lothian (including employed and self employed (2016 – 35,000 / 65,000)	0.55 (2016)	N/A	0.60 (2022)
2.	Business base – number of businesses	3,135 (2017)	N/A	3,300 (2022)
3.	% of school leavers attaining 3 or more SCQF Level Six	50.4%	50.4%	48.9% (S. av)
4.	The % of young people receiving After Care (for whom a destination is known) who are in a positive destination; i.e. Employment, Training or Education  69 receiving after care at 31/3/18; 34 in ETE = 49%	N/A	49%	53% (Mar 2020)
5.	% of under 65 and 65+ with long-term care needs receiving personal care at home  65+ (946) = 60.1%; Under 65 (166) = 77.9% Combined (1,112 from 1,784) = 62.3%	N/A	62.7% (Q4 2017/18)	Target to be determined by IJB
6.	% of citizens who agree the Council is good at listening to people's views before it makes decisions	38% (Feb 2017)	Next survey: May 2019	40% (2021)
7.	% of citizens who agree their neighbourhood is a good place to live	VG: 74% G: 24% (Feb 2017)	Next survey: May 2019	Maintain level (2021)

<b>8.</b>	Number of affordable house completions and Open Market Acquisitions	628 (2012-2017)	296 (2017/18)	945 (2018-2023)
<b>9.</b>	Proportion of non-Direct Debit payments undertaken online  2022 Target to be determined following introduction of new Online Customer Portal	27.2% (Q4. 2016/17)	34.7% (Q4. 2017/18)	To be determined
<b>10.</b>	% of citizens agreeing that My Council does the best it can with the money available	79% (Feb 2017)	Next survey: May 2019	Maintain level (2021)

In addition, in order to assess the overall performance of the Council, two indicators of overall performance are also to be reported:

- At least 35% of all Strategic Performance Indicators (the annual indicators, including LGBF, reported to Council) improve and no more than 15% decline year on year (*2017/18 – 25% improved; 18% declined; 57% static*)
- 70% of all Strategic Performance Indicators are on or above target (*2017/18 – 62%*)



## 50 Council Plan Indicators

(Top 10 indicators are numbered T.1 – T.10. Indicators that also appear in the East Lothian Plan performance framework are marked ELP)

<b>Growing our Economy</b>					
<b>Strategic Goal/ Outcome</b>	<b>Indicator</b>		<b>Baseline 2016/17</b>	<b>2017/18</b>	<b>Target 2022</b>
<b>Reduce Unemployment (SG1)</b>	1. (T.1) (ELP)	Job density – proportion of people of working age (16-64) in employment in East Lothian (including employed and self employed)  (2016 – 35,000 / 65,000)	0.55 (2016)	N/A	0.60
	2.	Claimants in receipt of out of work benefits (% of pop aged 16-64)  Under Universal Credit a broader span of claimants are required to look for work under Jobseeker's Allowance. Therefore the claimant count in areas with full service UC (including East Lothian) have seen an increase in claimant count which has risen against the Scottish average. This statistical disparity will even itself out as full service universal Credit is rolled out across all areas.	2.4% (Mar 2017)  (S. av: 2.4%)	2.9% (Mar 2018)  (S.av: 2.5%)	0.5% below S. average
	3.	Number of businesses accessing (assisted by) support services; including Business Gateway, East Lothian Works, SDI, and SDP	237	350	400
<b>Improve the employability of East Lothian's Workforce (SG2)</b>	4. (ELP)	Number of people participating in EL Works operated or funded employability programmes	520	384	400
	5.	% of people that have participated in Council operated/ funded employability programmes who have progressed into employment	21.3%  (111 from 520)	19%  (67 from 384)	19%  (50 from 260)

Support the growth of East Lothian's economy	6. (T.2) (ELP)	Business base – number of businesses	3,135	N/A	3,300
	7.	Business Gateway start-ups per 10,000 pop	21.7 (236)	19.55 (210)	20
	8.	% of procurement spent on local small/ medium enterprises	23.1%	21%	22%
	9. (ELP)	Town Centre vacancy rate	5.6%	6.1%	5%
Maximise use of land identified for business growth	10. (ELP)	Land supply available for business growth (sqmt – identified in Local Development Plan)	55,000	55,000	155,000
Support the faster roll out of Superfast Broadband	11. (ELP)	% of East Lothian properties with Superfast Broadband (30Mbps - National target)	85%	88%	100%
<b>Growing our People</b>					
<b>Reduce the attainment gap (SG3)</b>	12	% of pupils from deprived areas gaining 5+ awards at level 5	35%	31%	S. Average (42%)
<b>Raise the attainment of our children and young people (SG4)</b>	13. (T.3)	% of school leavers attaining literacy and numeracy at SCQF Level 5 or above	63.2%	61.3%	S. Average (67.1%)
	14.	% of school leavers attaining 3 or more SCQF at Level six	50.4%	50.4%	S. Average (50.3%)
	15.	School exclusion rate per 1,000 pupils – Secondary and Primary	35.9	34.14	S. Average (26.8)
Meet stretching positive destination targets	16. (ELP)	% participation rate for 16-19yr olds	93.1%	94.7%	95%

<b>Improve the life chances of the most vulnerable people in our society – vulnerable children (SG5)</b>	17. (T.4)	The % of young people receiving After Care (for whom a destination is known) who are in a positive destination (i.e. Employment, Training or Education) 69 receiving after care at 31/3/18; 34 in ETE = 49%	N/A	49%	53% (2020)
	18.	% of Looked After Children who feel settled where they live (8-17yr olds)	N/A	72%	85% (2020)
<b>Improve the life chances of the most vulnerable people in our society – vulnerable adults (SG5)</b>	19. (T.5) (ELP)	% of under 65 with long-term care needs receiving personal care at home	N/A	78% (Q4 17/18)	Target to be agreed by IJB (April)
	20.	% of all under 65 non-residential service users receiving care under SDS Options 1, 2 and 3	N/A	65% (Q4 17/18)	Target to be agreed by IJB (April)
<b>Improve the life chances of the most vulnerable people in our society – older people (SG5)</b>	21. (T.5) (ELP)	% of 65+ with long-term care needs receiving personal care at home	63.5%	63.9%	Target to be agreed by IJB (April)
	22.	% of all 65+ non-residential service users receiving care under SDS Options 1, 2 and 3	N/A	21% (Q4 17/18)	Target to be agreed by IJB (April)
Enable provision of 1140 hours of early learning and childcare for all 3 & 4 yr olds	23.	% of eligible 3 & 4 yr olds accessing 600 hours of early learning and childcare (1140 hours from 2020)	N/A	99%	99%
Take concerted action to tackle obesity in children	24. (ELP)	% of children in Primary 1 who are overweight or obese using epidemiological ('at risk') and clinical ('critical') measurements	At risk: 22%  Critical: 15.6%	N/A	At risk: 18%  Critical: 13% (2020)

	25.	% of primary school pupils benefitting from at least 2 hours per week of physical education and % of secondary school pupils (S1 to S4) benefitting from two periods of P. E. per week	100%	100%	100%
Continue to develop services that aim to reduce hospital admissions and delayed discharge of older people	26.	Number of days people spend in hospital when they are ready to be discharged (18+)	14,762	10,688 (Target: 9,677)	7,381 (2018/19)
	27. (ELP)	Emergency hospital admissions (18+)	7,648	8,235 (Target: 7,266)	6,902 (2018/19)
Reduce Inequality/ Poverty	28. (ELP)	% of children in families with limited resources	8% (2014-16)	5% (2014-17)	6.5% (2023)
	29. (ELP)	% of children living in households with less than 60% of average income after housing costs	N/A	18.9% (Jul-Sept 2017)	16% (2023)
<b>Growing our Communities</b>					
<b>Extend community engagement and decision making (SG6)</b>	30. (T.6)	% of citizens who agree the Council is good at listening to people's views before it makes decisions	38% (2017)	Next Survey: May 2019	40% (2021)
<b>Increase community and individual resilience (SG7)</b>	31. (T.7) (ELP)	% of citizens who say their neighbourhood is a good place to live	VG: 74% G: 24% (2017)	Next Survey: May 2019	Maintain levels
	32. (ELP)	Proportion of Community Councils with local Community Resilience Plans	10%	25%	75%
	33. (ELP)	% of citizens who say they can rely on a friend/ neighbour to help	91% (2017)	Next Survey: May 2019	Maintain levels

Maximise opportunities to increase the supply of affordable housing	34. (T.8) (ELP)	Number of affordable house completions and Open Market Acquisitions	628 (2012-2017)	296	945 (2018-2023)
	35.	Average number of days taken to re-let properties	N/A	28.1	24
	36.	Average time taken to complete non-emergency repairs	12.8	7.2 days	7.2 days (2018/19)
Better and more effective public transport	37.	Number of bus service routes and timetabled journeys	N/A	36 routes and 2,949 timetabled journeys	Maintain number of routes and journeys
Increase waste recycling to meet the 2025 target	38.	% of total household waste that is recycled	51.8%	53.1%	60% (2020) 70% (2025)
Work closely with partners to meet our commitment to Climate Change targets	39	East Lothian Council's corporate annual carbon emissions (tonnes CO2e)  Note this dataset does not include Fleet data which will be added in future years	17.610 tonnes CO2e  (Does not include Fleet data)	17,024 tonnes CO2e  (Does not include Fleet data)	3% reduction pa (2019-2024)  To be confirmed as part of the Climate Change Strategy
Support initiatives to reduce crime and anti-social behaviour	40. (ELP)	% of citizens who feel safe walking alone in their local area after dark	Very. Safe – 51%  Fairly Safe – 34%	Next Survey: May 2019	Maintain levels
	41. (ELP)	Number of anti-social behaviour complaints reported to Police Scotland and the Council	N/A	6,850	7,625 (2018/19)

		Council – 1,431 Police Scotland – 5,419			2% reduction each year
<b>Growing our Capacity</b>					
<b><i>Deliver transformational change (SG8)</i></b>	42. (T.9)	Proportion of non-Direct Debit payments, including school payments, undertaken online  Target to be determined following introduction of new Online Customer Portal	27.2% (Q4 2017/18)	34.73% (Q4 2017/18)	To be determined
<b><i>Harness the opportunities technology offers in the provision of services (SG9)</i></b>	43.	Number of on-line form transactions completed on Council website  Target to be determined following introduction of new Online Customer Portal	N/A	6798 (Apr-Dec 2018)	To be determined
	44.	% of care at home clients with Community Alarm, telecare and stand alone telecare devices	N/A	2,715 (Jan 2019)	Target to be agreed by IJB
Adopt a Workforce Plan / improve attendance management (reduce staff absence)	45.	% of employees agreeing that the Council is a great place of work	77.6% (Feb 2017)	76.7% (Oct 2018)	80%
	46.	Days lost due to absence (FTE)	9.74	10.57	9.5
Maintain the current rigorous approach to controlling expenditure, ensuring that it continues to 'live within its means'	47.	% of income due from Council Tax received by the end of the year	97.6%	97%	97%
	48.	Gross rent arrears ( <i>all tenants</i> ) as at 31 March each year as a percentage of rent due for the reporting year	9.4%	9.3%	9%

by operating as efficiently as possible	49. (T.10)	% of citizens agreeing that My Council does the best it can with the money available	79% (2017)	Next Survey: May 2019	Maintain level (2021)
	50.	Budget out-turn within 1% of budget	N/A	0.2% underspend	1%