



**MOLENDINAR PARK HOUSING ASSOCIATION**

**ALLOCATIONS POLICY – INCLUDING  
TRANSFER, MUTUAL EXCHANGE, ASSIGNATION AND SUCCESSION**

**Adopted: August 2022**  
**Date of Review: August 2025**

Molendinar Park Housing Association  
3 Graham Square  
Glasgow G31 1AD

***/Registered in Scotland 2400 R (S)***  
***Registered Scottish Charity SC043725***  
***Registered Property Factor PF 000125***

## POLICY

<b><i>Purpose:</i></b>	To establish MPHA's policy and set out our position on Allocations
<b><i>Review Date:</i></b>	June 2022
<b><i>Guidance:</i></b>	<ul style="list-style-type: none"> <li>• Housing (Scotland) Act 1987/2001/2010/2014</li> <li>• Human Rights Act 1998</li> <li>• The Matrimonial Homes (Family Protection) (Scotland) Act 1981</li> <li>• Data Protection Act 1998 and 2018</li> <li>• General Data Protection Regulations 2016 (GDPR)</li> <li>• Civil Partnerships Act 2005</li> <li>• Welfare Reform Act 2010</li> <li>• Antisocial Behaviour Act 2004</li> <li>• Equality Act 2010</li> <li>• Crime and Disorder Act 1998</li> <li>• Homelessness etc. (Scotland) Act 2003</li> <li>• Family Law (Scotland) Act 2006</li> <li>• The Scottish Social Housing Charter</li> </ul>
<b><i>Regulatory Standards:</i></b>	<ol style="list-style-type: none"> <li>1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</li> <li>2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</li> <li>3. The RSL manages its resources to ensure its financial well-being and economic effectiveness.</li> <li>4. The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</li> </ol>
<b>Date approved by Management Committee:</b>	16 August 2022

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## 1. INTRODUCTION

- 1.1 Molendinar Park Housing Association (MPHA) operates throughout the city of Glasgow. A Committee of Management, which consists of people with considerable experience in the housing association movement, people from relevant professional backgrounds, and tenants of the Association controls the Association. **The primary aim of the Association is to provide high quality affordable housing across all tenure forms which will enable potential tenants and owner occupiers to exercise the greatest possible choice in resolving their housing needs and to create sustainable balanced communities, as defined in Section 10 of this policy. Our approach also resonates with the objectives of the Local Housing Strategy.**

## 2. AIMS AND OBJECTIVES OF THE POLICY

- 2.1 The aims of the policy are to ensure that the Association's properties are allocated fairly and objectively with no discrimination on the grounds of age, race, religion or belief, disability, gender reassignment, sex or sexual orientation, marriage or civil partnership, pregnancy and maternity and **that housing is allocated on the basis of the housing need criteria, as defined in Appendix 1, of individual applicants and on the needs of the area in which the housing is available to ensure that balanced and stable communities are created and maintained.**

- 2.2 The 2014 Act qualifies its categories of people who must be given reasonable preference in allocations by social landlords (apart from the under-occupying category) with the requirement that they have unmet housing needs. It says that people have unmet housing needs:

‘...where the social landlord considers the persons to have housing needs which are not capable of being met by housing options which are available.’

Whether unmet housing needs exist in any given case will reflect two sets of factors: the circumstances of the applicant, which will vary widely among applicants; and the different housing options that are available to the applicant and whether these options are accessible to the applicant. Examples of where an applicant has unmet housing needs that could not be met by the housing options which are available to them, and where they would therefore be entitled to reasonable preference, could include:

- an applicant with disabilities whose housing needs could only be met in social housing because appropriate housing was not available in other tenures in the area and it was not possible to make essential adaptations to their current home to meet the applicant’s assessed needs; or
- an applicant who needed to be in a specific area for social reasons, for example to provide care to a family member, and who could not access other types of housing in the area.

- 2.3 Through partnership working with the local authority and others we will actively seek to encourage the development of stable and sustainable communities.
- 2.4 Our objectives include:
- providing a customer-focused allocations service that is transparent, consistent, accountable and fair;
  - using allocations processes that are efficient, effective and economic to administer;
  - ensuring that there is open access to our housing list and that our housing can be accessed by all those aged 16 years and over who need it
  - providing appropriate advice and assistance to customers on their housing prospects so that they can make informed choices in relation to requesting specific allocation areas, house types, etc;
  - allocating our houses principally based on need, giving those in greatest need the highest priority for housing;
  - making the best use of our housing stock, including seeking to address under-occupation in our housing stock and seeking to match applicants with needs to vacant properties that are designed or have been adapted and specifically meet their needs;
  - contributing to the prevention of homelessness and supporting tenancy sustainment
  - ensuring that the allocation of the Association's 62 sheltered properties (comprising of 60 two apartments and two three apartments) remains directed at those who will benefit from this valuable resource.
  - minimising the time taken to allocate empty properties and thereby minimising void rent loss; and
  - monitoring and reviewing housing needs data, including developing appropriate strategies for tackling, proactively, any concentrations of emerging low demand or unsustainable housing stock.

### **3. LEGISLATION, GUIDANCE AND THE SCOTTISH SOCIAL HOUSING CHARTER**

- 3.1 Our Housing Allocation Policy complies with legislation, guidance and good practice including:
- The Housing (Scotland) Acts 1987, 2001, 2010 & 2014 and statutory guidance supporting the 2014 Act;
  - Social Housing Allocation in Scotland; A Practice Guide – Feb 2019, Scottish Government
  - The Homelessness etc. (Scotland) Act 2003; and the Code of Guidance 2005
  - The Equality Act 2010;
  - The Matrimonial Homes (Family Protection) (Scotland) Act 1981;
  - The Civil Partnerships Act 2004;
  - The Data Protection Act 1998; the General Data Protection Regulations 2018
  - The Access to Personal Information (Housing) (Scotland) Regulations 1993;
  - The Human Rights Act 1998; and

- Management of Offenders etc (Scotland) Act 2005 (Multi Agency Public Protection Arrangements – MAPPA).
- Domestic Abuse (Scotland) Act 2018

Specifically, the Housing (Scotland) Acts 2014, 2001 and 1987 lay down the legal requirements that the Association and all other social landlords must comply with in terms of:

- setting out policy for admission onto the housing list;
- priority of allocation of social rented houses;
- transfer of tenants;
- mutual exchange of houses; and
- assistance to homeless persons.

### **3.2 Compliance with Regulatory Standards**

In terms of the Scottish Social Housing Charter, 2017 (SSHC), the Scottish Housing Regulator (SHR) has identified a number of key indicators relevant to access housing and support by which it will measure landlord performance, including the following.

- Equalities -social landlords perform all aspects of their housing services so that – every tenant and other customer has their individual needs recognised, is treated fairly and with respect and receives fair access to housing and housing
- Access to social housing - Social landlords ensure that - people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.
- Communication – Social landlords manage their businesses so that – tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.
- Participation – Social landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord’s decisions at a level they feel comfortable with.
- Quality of housing – Social landlords manage their businesses so that tenants’ homes as a minimum, meet the Scottish Housing Quality Standards, (SHQS) when they are allocated; are always clean, tidy and in a good state of repair and also meet the Energy Efficiency Standard for Social Housing (EESH) by December 2020.
- Housing options - Social landlords work together to ensure that - People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them;
- Tenants and people on housing lists can review their housing options and

Social landlords ensure that:

People at risk of losing their homes get advice on preventing homelessness

- Tenancy sustainment – Social landlords ensure that tenants get the information they need to obtain support to remain in their home; and ensure suitable support is available including services provided directly by the landlord and by other organisations.

- Homeless people – local councils perform their duties on homelessness so that homeless people get prompt and easy access to help and advice; are provided with suitable good quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

## **4. EQUALITY AND DIVERSITY**

- 4.1 Our Housing Allocation Policy complies with our Equality and Diversity Policy. We will consider all applications, regardless of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 4.2 The policy has been equality impact assessed, the assessment can be found at the end of this document.

## **5. CONFIDENTIALITY**

- 5.1 We recognise that confidentiality is important to applicants and will treat information that we receive in the strictest confidence in line with the General Data Protection Regulations 2018 and in line with our Data Protection and Privacy Policy.

We will not pass on or discuss with any third party any information provided by any applicant without the applicant's written permission. If there is personal information about someone other than the applicant on the application, we will not release that information unless we receive written permission from that other person.

To ensure an applicant's own confidentiality within their household, we can if instructed, contact the applicant at an alternative address, if we receive full details and the instruction in writing with the application, or later.

All applicants who would like to check the details that we hold on their application can contact us. Except as may otherwise be required by law, we will allow only the applicant access to their file, unless we have a signed mandate from the applicant authorising us to allow another named person access to the file and we can satisfy ourselves as to the identity of that other named person.

## **6. ROLES AND RESPONSIBILITIES**

- 6.1 The Committee will monitor the implementation of this policy to ensure that it is properly operated, that there is appropriate officer involvement in the allocations system and that there is effective scrutiny of the implementation of the Housing Allocation Policy.

The Senior Housing Officer has responsibility for overseeing the implementation of the Policy and our Housing staff are responsible for key aspects of the day to day service delivery with delegation of specific tasks to appropriate staff.

The Committee will ensure that the Policy is meeting its intended objectives and that monitoring, and reporting of activities takes place in accordance with the Charter indicators listed in the Monitoring and Review section of this Policy.

The Committee will also have annual oversight of housing needs categories and letting quotas set out in the Policy to ensure that they remain appropriate in relation to changing housing needs or statutory requirements.

## **7. GRANTING OF TENANCIES TO PEOPLE RELATED TO STAFF OR COMMITTEE**

- 7.1 Any allocation of accommodation involving members of the Board and/or staff of the Association or their near relative will comply with the Association's Payments and Benefits policy. To ensure that we comply with the Regulatory requirements regarding granting of entitlements, payments, expenses or benefits to Committee members and staff, or to their close relatives, we ask all applicants to state on the application form, whether to their knowledge, they are related to a Committee or staff member.

The Committee will formally approve any allocation of a property to a staff or Committee member or their close relative. The formal approval of the Committee must be recorded in the minute of the Committee meeting with the details of the allocation entered on the appropriate Register of Interest. When the allocation is concerning a Committee member or a close relative of a Committee member, the Committee member must declare an interest and leave the meeting when the issue is being discussed

## **8. NOTIFICATION**

- 8.1 We will write to applicants to notify them of their acceptance onto our Housing List. At that time, we will advise the applicant of the Allocation Category in which they have been placed and their application number.

If we have suspended an application, - see Section 21 - we will write to the applicant and advise them of our decision and give the reasons for our decision and what action the applicant requires to take. We will offer our help and support so that the applicant may make informed choices about their housing options.

## **9. DECISION-MAKING**

9.1 We will make sure that our decision-making is transparent and will:

- make applicants aware of our reasons for any decision on their application;
- base all our decisions on objective criteria which applicants are aware of;
- make our policy readily available;
- have a clear appeals procedure in place; and
- regularly monitor the allocation process.
- Highlight our appeals and complaints policy if an applicant disagrees with our decision.

## **10. SUSTAINABLE BALANCED COMMUNITIES**

10.1 The Association defines a stable balanced community as one that encompasses people with a wide range of life and employment experiences, of tenure forms and of ages and household types. A sustainable community is one in which people aspire to live; residents are free to enjoy their homes without nuisance, distress or fear; and where residents identify with, and participate in the life of, the community thus giving the community the strength to absorb and support individuals in times of difficulty.

10.2 Factors which contribute to the development of a sustainable balanced community are:

- a) That residents have chosen, and applicants aspire, to live within that community.
- b) That there is a socio-economic mix in addition to a variety of tenure forms.
- c) That the community covers a wide range of need, from aspirational need to acute need.
- d) That there exist appropriate community, social and family networks to bind the community together.
- e) That when offering sheltered housing tenancies to prospective tenants the Association will endeavour to maintain a balance between the proportion of frailer tenants and those who are more able and fitter.

## 11. ALLOCATION CATEGORIES

- 11.1 In order to achieve stable and sustainable communities we seek to use an allocations system to maintain a balance when we are allocating properties. Annex B summarises our current Allocation Categories

We will make selections throughout the year by rotation, seeking to ensure that target percentages are broadly achieved on an on-going basis. However, quotas achieved may vary depending upon a variety of circumstances such as turnover, availability of homeless referrals from the Council etc.

### 11.2 Local Lettings Initiatives (LLI)

We may agree LLIs to achieve aims specific to an area. They will be developed where the Association feel that specific and targeted action is required to achieve balance and stability in particular communities or to achieve the aim of a particular development, including new build estates. LLIs will require the approval of our Board

## 12. APPLYING FOR HOUSING

### 12.1 a) Direct Applications to the Association

Anyone aged 16 years or over may apply to the Association at any time for housing. Acceptance onto a housing list does not mean that rehousing will be offered.

Applicants must provide us with all the information and any supporting evidence that we need to assess their housing application. It is also critical that applicants provide accurate information and advise us of all changes of circumstances that may affect their housing application.

### b) Acceptance onto the list

If we do not own, or anticipate owning, accommodation of a size, type and/or in an area requested by the applicant, then we will not accept the applicant onto our housing list. In this case we will discuss alternative options with the applicant.

For our sheltered housing development at Drakemire applicants should

- be able to benefit from the services of a warden/alarm system eg vulnerable/socially isolated
- can cope with independent living and not require care that would be more appropriately provided in a care home, hospital or extra care accommodation
- be living in circumstances which are causing stress to their physical/mental health

### **c) Sheltered Housing**

The Association seeks to allocate its sheltered properties based on clear criteria which will assist us in our objective of creating and maintaining a stable, balanced community. When offering tenancies to prospective tenants the Association will endeavour to maintain a balance between the proportion of frailer tenants and those who are more fit and able. It should be emphasised in all matters relating to the Association's sheltered housing complex that the warden service, which has been deemed not to be required to be registered with the Care Inspectorate, is intended to only support and encourage the independence of tenants.

### **d) Reviews**

We will carry out a rolling review of our housing list so that applicants have their circumstances checked and updated routinely. Every 12 months on the anniversary date of the application being accepted we will issue a review letter to applicants, requesting confirmation of circumstances. If the applicant does not respond within 7 days, a reminder letter will be issued. If we fail to receive a response to this reminder letter within 7 days, we will remove the application from the housing list. If an applicant who has been removed from the list contacts us at a future date, they can reapply to join our housing list.

## **13. ASSESSMENT OF APPLICATIONS**

13.1 All applications received by the Association will be assessed in accordance with the criteria outlined in this Policy. Once the application form has been assessed the application will be placed on the list for the appropriate size of accommodation required.

An applicant's position on the sheltered housing list will be determined by, the length of time they have been on the list, and by taking account of the needs of the individual including whether ground floor accommodation is needed and of the balance within Drakemire sheltered housing.

In assessing applications, we will take no account of:

- the age of an applicant, other than to verify that the applicant is aged 16 years and over;
- the length of time the applicant has lived in the area;
- any money due for a house that the applicant was not the tenant of;
- rent arrears or housing debt, such as rechargeable repairs, which have been paid off or amount to less than one month's rent;
- rent arrears or housing debt, such as rechargeable repairs, which amount to more than one month's rent where the applicant has an agreed repayment arrangement and has maintained the arrangement for at least three continuous months;

- any debts which do not relate to the tenancy of a house;
- any Council Tax arrears;
- the applicant's own income or the income of the household

We will seek to assess all housing applications within 10 working days from date of receipt.

## 14. TENANCY REFERENCES

14.1 We will, prior to an offer of rehousing, seek references from the appropriate landlord/s for any applicant who has been a tenant of:

- any local authority;
- any Registered Social Landlord; or
- any other landlord.

We must be satisfied that the information provided in the tenancy reference confirms that the applicant satisfies our eligibility criteria detailed in this Policy before we will consider an application for an offer of housing.

We will ask all applicants, and anyone applying to be housed with them as a joint tenant, who has held a tenancy to sign a mandate confirming that they are happy for us to write to any current and all previous landlord/s within a **3-year period** prior to the date of the application for a tenancy reference. Without this authorisation we cannot contact landlord/s for a reference and we cannot process an application further.

We will not make an offer of housing if we are not satisfied with any of the tenancy references that we receive. We will suspend the application and monitor the case for improvement, e.g. in terms of rent arrears, anti-social behaviour, tenancy breaches, etc.

However, if the tenancy reference is unacceptable because of rent arrears, which the applicant accrued as tenant, it is the applicant's responsibility to advise us when the account is clear or that the applicant has kept to an agreed repayment plan in respect of the arrears for a continuous period of 3 months.

If the tenancy reference is unacceptable because the applicant or a member of the applicant's household is subject to an Anti-Social Behaviour Order (ASBO) under relevant legislation, we may consider making an offer of housing with a Short Scottish Secure Tenancy (SSST).

Where we suspend an application because we are not satisfied with a tenancy reference the applicant can request to see the reference.

## 15. FALSE OR MISLEADING INFORMATION

- 15.1 We will take all reasonable steps to investigate any information we receive which affects an application. It is important that applications are completed carefully and with as much detail and information as required. Information provided must be accurate and up to date. Applicants must notify us of any changes to the information as soon as the change is known

Applicants must co-operate fully with any reasonable investigations needed to confirm the details of an application that we carry out or which is carried out on our behalf and must allow our staff access to their home to inspect it.

If we find out that any applicant has provided false, misleading or out of date information to apply for housing with us we may suspend the application. If we suspend the application, we will not make an offer of housing. However, we will advise the applicant in writing of our decision and the reason/s for our decision.

If we find that we have created a tenancy that has been the result of an applicant providing false or misleading information we may take appropriate legal action. This may result in us removing the tenant and anyone who lives with the tenant from the house. We will advise the tenant in writing of the action we intend to take, although the results of all investigations will remain confidential.

## **16. HOME VISITS**

- 16.1 All applicants accepted onto the housing list will be visited by a member of our staff prior to an allocation being made. The purpose of the home visit is to confirm the applicant's housing circumstances. Where it is not geographically possible to carry out a home visit a statement from the applicant's landlord will normally be obtained.

## **17. SIZE OF PROPERTY TO BE ALLOCATED - CRITERIA**

- 17.1 There is high demand for all properties therefore the Association will make the best use of our properties by allocating as follows:
- 1 bedroom for each applicant or applicant and spouse/partner
  - 1 bedroom per child but where the children are of the same sex it will allocate one bedroom per two children up to the age of 16; where children are of a different gender up to the age of 10 years, one bedroom can be shared
  - 1 bedroom each for any remaining adult member of the household unless they are part of a couple
  - where there is shared access to children, official proof of the arrangement will be required to enable us to allocate the appropriate size of accommodation

The only exception to the above will be where medical factors require that applicant and partner require separate bedrooms. This will be subject to satisfactory medical evidence being provided by the applicant. Account will be taken of unborn children who will form part of the household.

The Association will allow under occupation by up to two bed spaces in certain circumstances - e.g. where adapted accommodation is required and the housing need is acute and no other options exist

Over occupation will generally not be permitted except in limited circumstances, which will require to be approved by the Director. These may include, for example, temporary over-crowding, where adult children are planning to leave home and a move whilst, not a match to the housing needs of the household, will none-the-less vastly improve the housing circumstances of the applicant/s.

## **18. JOINT APPLICATIONS**

- 18.1 We will consider an application from more than one person, (where they currently live in separate households) where the applicants wish to live together as joint tenants. We will consult all applicants, who have requested a joint application, or the number of people who apply to be housed together as joint tenants. When doing so we will consider all relevant legislation at that time. The Housing (Scotland) Act 2014 requires that the proposed joint tenant must have lived in the property as their only or principal home for 12 months before making an application for a joint tenancy and must have notified us in writing of this at any time before the period started.

## **19. NOMINATIONS**

- 19.1 The Association may enter into formal or informal agreements for nominations from:

**The Simon Community**  
**Women's Aid**  
**SAMH**

And any other particular needs organisations as decided upon by the Management Committee from time to time. Nominations will normally be used to remedy any imbalance in the community resulting from direct applications to the Association.

In the case of local authority nominations, the requirements of the local housing strategy, will be taken account of.

## **20. CANCELLATION OF APPLICATIONS**

- 20.1 The Association will only cancel an application for housing where:

- the applicant has requested in writing or by telephone that they wish to be removed from the waiting list
- the applicant has died
- the applicant has failed to respond to the periodic review of the waiting list
- the applicant cannot be contacted regarding an offer of housing and there is no response within 7 days. We will inform the applicant in writing

## 21. SUSPENSION OF APPLICATIONS

21.1 We aim to operate a housing list that is open and can be accessed by people in a variety of housing circumstances. However, although we may accept an application, there are circumstances, as outlined above where we may cancel an application. In the following circumstances we may suspend an application and therefore not make an offer of housing. We aim to minimise the number of suspensions and where this is necessary to advise the applicant in writing of why this has happened, for how long the suspension will remain and what action the applicant needs to take to have the suspension removed and of how an appeal may be made against this decision.

REASONS FOR SUSPENSION	RULES AND TIMESCALES	SUSPENSION PERIOD
1. Anti-Social Behaviour	<p>Antisocial behaviour is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance with conduct including things which a person has said as well as physical actions. A course of conduct must involve anti- social behaviour on at least two occasions</p> <p>Where a 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 a house occupied by the person; pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person, or acted in an antisocial manner, or pursued a</p>	<p><b>6 months</b></p> <p>The case will be reviewed by the Senior Housing Officer</p>

	course of conduct in relation to an employee of the Association.	
2. Tenancy Related Debt	<p>Attributed to the applicant as a tenant within the previous 3 years. Suspension will be applied where the applicant has rent arrears or any other tenancy related debt (e.g. rechargeable repairs, service charges etc.).</p> <p>Exceptions to this would be where:</p> <ul style="list-style-type: none"> <li>• The debt has been paid in full</li> <li>• The level of debt is equivalent to or less than a months' rent</li> <li>• An agreement has been made to pay the debt off and this has been maintained for at least three months and is continuing to be maintained</li> <li>• The debt is not the responsibility of the applicant as a tenant</li> </ul>	<p><b>3 months</b> or until applicant confirms criteria have been met</p> <p>The suspension will be lifted in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Immediately following full payment of the debt</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Where an arrangement to pay off the debt has been maintained for 3 months</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>• Where the debt has been reduced to less than a months' rent</li> </ul>
3. Refusal of a second offer of housing	Suspension will be applied where the applicant has refused a second reasonable offer of housing within the last 3 years (made in accordance with applicants' preferences).	<b>3 months</b>
4. Fraud, false or misleading information	Suspension will be applied where the applicant has deliberately misrepresented information in order to gain advantage over other applicants in housing need.	<b>12 months</b>
5. Breach of tenancy conditions	Suspension will be applied where the applicant is a tenant and has breached their tenancy conditions. For example – unsatisfactory condition of property etc. and where alterations or improvements	<b>3 months</b> or until there has been an agreed improvement; where there are persistent breaches and no improvement, the Director may extend the suspension period by a further 3 months.

	have been carried out without the approval of the landlord	
6. Criminal convictions	Where the applicant or someone the applicant lives with or has lived with has been convicted of either or both of the following and where these offences are associated with a residential property or the surrounding area: <ol style="list-style-type: none"> <li>1. Using a house or allowing it to be used for immoral or illegal purposes or</li> <li>2. An offence punishable by imprisonment which was committed in, or in the locality of a house occupied by the person</li> </ol>	<b>6 months;</b> careful consideration will be given to the circumstances of the offence ; what the applicant’s current circumstances are and what would be achieved by a suspension
7. Order for recovery of possession	Where a court has previously granted an order to evict	<b>3 months –</b> careful consideration will require to be given to what led to the order ; the applicant’s circumstances at that time and now
8. Abandonment of a previous tenancy	Where either, as a sole or joint tenant, the tenancy has been repossessed under Section 18 (2) of the Housing (Scotland) Act 2001	<b>2 months –</b> as above

The suspension timescales outlined above may be extended if we consider that the applicant has not taken the necessary steps required for the suspension to be lifted. Suspensions will only be extended at the discretion of the Director and will be based upon the individual circumstances of the case.

## 22. HOMELESS PERSONS AND HOMELESS REFERRALS

22.1 We aim to provide a sound basis for positive, partnership working with Glasgow City Council in relation to the prevention and alleviation of homelessness and an agreed proportion of allocations will be offered to this category.

We will consider offering housing to statutory homeless households when a suitable property becomes available for let. In these circumstances, the allocation will be considered as a referral from the Council in terms of Section 5 of the Housing (Scotland) Act 2001.

We are committed to playing our part in helping to address the housing needs of homeless persons through working in partnership with the local authority and

have a protocol in place with Glasgow City Council that sets out roles and responsibilities. Section 5 of the 2001 Act places emphasis on such joint working and places a duty on all registered social landlords to house homeless applicants referred to them by the local authority, unless it has good reason not to.

We allocate a % of our vacant properties to Section 5 homeless referrals identified by the Council.

Homeless referrals from the Council will be managed, recorded and monitored. Outcomes will be reviewed annually and future quotas for statutory homeless referrals may be adjusted as appropriate in discussion with Glasgow City Council.

## 23. VICTIMS OF DOMESTIC ABUSE

23.1 Behaviour <sup>1</sup>which is abusive includes (in particular):

- (a) behaviour that is violent, including sexual violence, threatening or intimidating, the effects of which are of
- (a) making dependent on, or subordinate to,
- (b) isolating from friends, relatives or other sources of support,
- (c) controlling, regulating or monitoring day-to-day activities,
- (d) depriving of, or restricting, freedom of action,
- (e) frightening, humiliating, degrading or punishing.

Domestic Abuse can be defined as ... *“any form of physical, sexual or emotional abuse which takes place within the context of a close relationship. In most cases, the relationship will be between partners (married, co-habiting or otherwise) or ex-partners.”*

We recognise that safety is paramount, confidentiality is crucial and believing the victim is important. If any applicant advises us that they are suffering domestic abuse, we will complete an application form with them and also in conjunction with the individual consider what other options are feasible – eg additional security measures, whilst keeping them safe. We will also provide information on other organisations which can Assist, e.g. Womens Aid, AMIS etc. We can also refer the applicant to the local authority, if they wish, who will deal with the matter under homelessness legislation and signpost them to other related services.

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<sup>1</sup> Domestic Abuse (Scotland) Act 2018

## 24. RELATIONSHIP BREAKDOWN

- 24.1 If anyone has a breakdown in their marriage or in their relationship with their partner, they may qualify for housing (or rehousing) with us.

We will accept an application for housing even if the applicant has to stay on temporarily in the same house as their former spouse or partner.

In considering admission to the list we will **not** take account of:

- any outstanding liability (e.g. rent arrears) in a property where the applicant was not the tenant when the liability accrued; or
- whether or not a divorce or dissolution or judicial separation has been obtained.

We will give applicants who are experiencing a relationship breakdown and seeking accommodation general advice on occupancy rights. Depending upon the circumstances, the local authority may also be able to help an applicant suffering from a relationship breakdown through their homelessness service. Such applicants should contact the Council directly for more details if the applicant is homeless or threatened with homelessness due to relationship breakdown. We can refer the applicant to the local authority, if they wish.

## 25. VICTIMS OF HARASSMENT

- 25.1 'Harassment' is defined in Section 8 of the Protection from Harassment Act 1997 (c40) as causing a person alarm or distress. We recognise that people have a right to a life free from violence and abuse as well as alarm and distress caused by harassment. We also recognise that fault in such circumstances rests with the perpetrators and not the victims.

We recognise that victims of harassment may wish to move from their home or from the area where they are experiencing the problems and will consider applications from them.

We acknowledge that harassment can take many forms including sectarian harassment, sexual harassment, and harassment against people who have mental health issues, learning difficulties, are HIV positive, are gay or lesbian, or victims of domestic abuse. Harassment can have a seriously detrimental effect on quality of life and at its most acute can be life-threatening.

Where a housing applicant alleges harassment and they appear to be at risk, we will in the first instance believe them and take prompt action to ensure their safety as far as possible.

We will take reasonable steps to obtain information to support the applicant's case. However, if it proves impossible to obtain evidence of abuse or threat of

violence, the applicant's expressed fears would be considered as sufficient evidence.

We recognise that confidentiality is crucial to ensure safety and will ensure that the applicant's wishes are respected with regard to contact points and people. We will also signpost applicants to appropriate agencies that may be able to give detailed or specialist advice and assistance.

## **26. VICTIM OF RACIAL HARASSMENT**

- 26.1 If an applicant is experiencing racial harassment, we will meet with them to discuss the problem. If they require an interpreter, we will arrange this as quickly as we reasonably can. As with other types of harassment, we recognise that victims of racial harassment may wish to move from their home or from the area where they are experiencing the problems and will consider applications from them.

Where a housing applicant alleges racial harassment and they appear to be at risk, we will in the first instance believe them and take prompt action to ensure their safety as far as possible.

We will take reasonable steps to obtain information to support the applicant's case. However, if it proves impossible to obtain evidence of racial harassment, the applicant's expressed fears would be considered as sufficient evidence

We recognise that confidentiality is crucial to ensure safety and will ensure that the applicant's wishes are respected with regard to contact points and people. We will signpost applicants to appropriate agencies that may be able to give detailed or specialist advice and assistance.

## **27. YOUNG PEOPLE**

- 27.1 We recognise that many young people have a need for housing of their own as they are in vulnerable situations. We can consider young people for housing providing that the applicant is aged 16 years and over.

As well as providing housing ourselves, we can refer young people to other agencies who can provide accommodation and specialist advice and information services.

Young people leaving care who may be potentially homeless should contact the Council in the first instance for advice and assistance

## **28. ASYLUM SEEKERS AND REFUGEES**

- 28.1 We will accept applications from asylum seekers and place their application on our housing list if they are aged 16 or over. However, if at the time of applying for housing, we are advised that the applicant is homeless, and we are unable to offer housing at that time, either because there is no suitable housing

available or their immigration status is unclear, we will refer them to the local authority who will assess the case under homelessness legislation. In accordance with legislation we are unable to make an offer of housing to anyone who is subject to immigration control as an asylum seeker.

## **29. WHEELCHAIR AND ADAPTED HOUSING**

29.1 If an applicant requires to use a wheelchair or has a significant physical disability, it may be appropriate for them to complete a medical assessment form. We will request a detailed assessment of the applicant's needs from a Medical Professional. This should identify any problems with the applicant's current accommodation, the suitability for the accommodation to be adapted and any additional needs the applicant may have.

When we receive the medical assessment, we will update our records. If an applicant requires adaptations, then they will only be offered a house that already contains the required adaptations.

To ensure that we make best use of wheelchair-adapted properties, when a wheelchair-adapted property becomes available, we will give priority to wheelchair applicants who meet the property attributes. Where there is more than one potential applicant, we will allocate the property in the normal way to the applicant in line with housing circumstances and length of time on our housing list.

When ground floor properties become available for relet, we will firstly check their potential suitability for wheelchair applicants or for those with a medical need for ground floor accommodation, subject to the availability of resources to adapt such a property.

## **30. COMMUNITY CARE NEEDS**

30.1 We recognise the key role that housing plays in the planning and provision of community care and seek to address the housing situation of identified community care groups through this policy. Meeting the needs of community care groups involves:

- An integrated housing and care services approach.
- identifying the individual needs of service users.
- sustaining people in their own homes, where possible; and
- making the best use of the housing stock.

## 31. ALLOCATIONS

### 31.1 Allocations Structure:

The Association will maintain lists, which reflect the elements of a sustainable balanced community. These are:

**i) Acute Need**

This includes homelessness, racial harassment, harassment by neighbours, or others in the vicinity of the applicant's current accommodation, domestic violence, medical need overcrowding and financial obstacles to appropriate housing including under occupation in the social rented sector.

**ii) Socio-Economic Balance**

This includes those applicants with lower need criteria who aspire to live in the area and who possess socio-economic characteristics which are under-represented within the area. This category will be used to balance employment, educational, and household profiles.

**iii) Community, Social and Family Need**

This category will include applicants who will be enabled to enter, or remain in, training, education or employment by moving into the area; and applicants who require to receive support from, or provide support to, a relative who lives within the community.

Applicants accepted for housing by the Association based on the eligibility criteria set out in Appendix I will be placed on the most appropriate list. Where there are multiple needs, an applicant may be placed on more than one list.

The proportion of lets offered to each category is set out in Appendix 2 and will be monitored annually to ensure that the policy is achieving the objectives set out in Section 2.

**iv) Aspirational Transfer**

This category will include applicants who do not have a housing need but aspire to live in the Association's properties in a different location or in a different house type e.g., house instead of flat.

**v) Sensitive Allocation Procedures:**

Wherever possible the Association will advise an applicant immediately prior to allocation of all suitable properties and allow them to choose which property best suits their needs and aspirations. On occasions, however, it may be that certain properties which meet the criteria requested by the applicant are considered inappropriate by the Association due to house type, location or the existing socio-economic or mix in the immediate vicinity. Where the Officer dealing with allocations considers it necessary to restrict offers for a particular

property this can only be done after discussion and agreement on the case with the Director and a record made of that agreement.

## **32. TRANSFERS**

33.1 Tenants will be eligible for access to the Transfer List where they have a housing need and have held a tenancy with us for a minimum of 12 months.

33.2 Tenants may have their applications suspended in line with the suspension criteria outlined in Section 21 of this Policy. Once their application is actively considered they will have the benefit of the date of their original application.

All applications received will be assessed in accordance with this Allocations Policy.

32.3 Once the form has been processed the application shall be placed on the active transfer list for the appropriate size of accommodation. Applications will be dealt with in date order.

32.4 Factors which determine the length of time an applicant will need to wait before receiving an offer of rehousing are:

a) The number of prior applicants on the list for the same size and type of accommodation, taking account of the quota of the lets which is 20% of all lets.

b) Availability and turnover of property of a size and type required by the applicant.

c) Choice of streets and floor levels requested and/or required.

d) Any specific features requested by the applicant.

32.5 We will make a maximum of two offers of accommodation to applicants based on their current position on the Transfer List. Applicants will only be offered properties which match their stated preferences.

32.6 Where applicants have refused two reasonable offers of accommodation, whether made separately or simultaneously, they will be advised that their application for a transfer will be suspended. See Section 21.

32.7 To preserve continuity and aid the viability of the sheltered housing complex applications for a transfer within the complex will be dealt with first before other

applicants are considered. There will always be a resultant empty property that can then be offered to an applicant.

- 32.8 Requests for Transfers from an upstairs property to the ground floor must be supported by documentary evidence that the mobility problems (or other such reason) of the applicant justify such a move. In other words, the current circumstances of the applicant should require ground floor only.
- 32.9 Where a request for a transfer is due to adaptation/bathing requirements the application must be supported by a letter from an occupational therapist.

### **33. MUTUAL EXCHANGES**

- 33.1 Given the turnover in the Association's housing stock there are only a limited number of properties available for lets. To try and increase the opportunities for tenants to move to more suitable accommodation the Association promotes the use of mutual exchanges between tenants.
- 33.2 The Association endeavours to match tenants currently on the transfer list with other tenants who are also seeking a move to more suitable accommodation within Molendinar.
- 33.3 The Association will also produce lists of addresses, excluding the name of those tenants wishing to move house. It is hoped that through the increased awareness and use of mutual exchanges that many more tenants will be able to move to their desired property much more quickly.
- 33.4 In addition the Association will maintain list of external tenants who are seeking a mutual exchange and will give advice and assistance on this matter.
- 33.5 A "mutual exchange" takes place, usually when two tenants agree to exchange houses with each other (it can be more than two tenants). They need not have the same landlord, but the exchange must have the approval of the landlord(s) involved.
- 33.6 The people wishing to exchange must be tenants of a "social housing" landlord i.e. local authority, housing association or housing co-operative.
- 33.7 Legal Requirements - Section 33 of the Housing (Scotland) Act 2001 states that all Scottish Secure Tenants of local authorities and registered social landlords have the right to exchange their house for another house let under a Scottish Secure Tenancy, whether of the same landlord. However, that legal right is subject to the consent of both landlords. Consent may be refused only if the landlord(s) has/have reasonable grounds for refusal.
- 33.8 The Association must reply within one month to a written request for permission to carry out a mutual exchange. If it does not, permission is deemed to have been granted.
- 33.9 The Association will permit mutual exchanges between its own tenants and tenants of other "social landlords". Such exchanges will be considered for approval subject to the following conditions:

- a) the Association must be satisfied that a genuine exchange is taking place
- b) the written consent of the Association must be obtained before any mutual exchange can take place
- c) overcrowding must not occur because of the exchange
- d) under occupation by up to two bed spaces in certain circumstances may be allowed
- e) tenants have been tenants of their homes for at least 12 months
- f) the exchange must not result in accommodation adapted for special needs being occupied by people with no such special needs
- g) tenants must have fulfilled all obligations of their tenancy in a satisfactory manner.

33.10 The Association requires the following to be adhered to:

- i) Where an exchange is granted, parties will be required to assume responsibility for any fixtures/fittings damaged by the outgoing tenant. Tenants must accept the houses as they find them.
- ii) Parties must take up permanent residence of the address to which they have agreed to exchange within one month from the date of the agreement to exchange.
- i) Where an exchange is granted, tenants are expected to remain in the property to which they exchange for a minimum of one year. This is to enhance community stability and prevent the potential for fraudulent applications to exchange.
- ii) The Association has a detailed Procedure Note covering all aspects of this process to ensure that procedures are demonstrably fair and equitable to all applicants.

## **34 SUCCESSION**

34.1 If a tenant dies and a member of the household applies for the tenancy we will consider them for the tenancy under the provisions of the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014.

Where there is a joint tenancy, the tenancy automatically remains with the other joint tenant/s. In all other circumstances the order is:

a) the tenant's spouse or civil partner, providing that the house has been their only or principal home at the time of the tenant's death;

b) if (a) does not apply, then where the house has been their only or principal home throughout the 12 months ending in the tenant's death:

- partners (cohabitants of either sex and including same sex cohabitants);

- members of the tenant's family aged 16 or over; and
- carers aged 16 or over who have given up a previous only or principal home.

To have a right to succeed to a tenancy after living in the house for 12 months, the 'qualifying person' or the tenant must also have notified their landlord that the person wishing to succeed to the tenancy is living in the house and that the house is that person's only or principal home. The 12-month qualifying period does not start until that notification has been given. The tenant (or any one of joint tenants) or the person who has moved into the house are responsible for notifying the landlord that the person has moved in.

The type of tenancy after succession is a full Scottish Secure Tenancy. However, where a house has been designed or substantially adapted for the use of someone with special needs, the law clearly states that only spouses, partners, joint tenants or persons with special needs can succeed the tenancy. Others who would otherwise be eligible to succeed to the tenancy would therefore be offered reasonable alternative accommodation.

## **35. ASSIGNATION**

- 35.1 If a tenant moves out of their home or is no longer able to live in their home permanently due to their health, we will consider assigning the tenancy to a member of the household under the provisions of the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014.

We will normally do this if the person is the tenant's son or daughter or the person has lived in the house as a member of the household or the person has been a full-time carer to the tenant. The applicant (the assignee) must have had our permission to reside in the property and lived in the house as their only or principal home for at least 12 months prior to the date of the application seeking our consent to the assignation.

The applicant must apply to us in writing and meet the following conditions:

- the applicant will be homeless if we do not assign the tenancy to them;
- the applicant has lived continuously with the tenant throughout the tenancy for at least 12 months prior to the date of the application and we have been advised of this in writing;
- the applicant has given up a tenancy or sold their home to become the full-time carer of the tenant;
- we are satisfied that the applicant would be given reasonable preference under our allocations policy

- assigning the tenancy to the applicant makes best use of the house and does not result in the property being under-occupied or over crowded.

## **36. EXCEPTIONAL CIRCUMSTANCES**

36.1 It is unlikely that every situation will be captured within one Allocations Policy and there may therefore be exceptional circumstances where we may require to make an allocation which is not immediately within the scope of our Policy, but which meets our legal obligations. Illustrative examples of this may include - where we make a management transfer or special let outside the normal allocations policy;

- where we make an exceptional allocation to someone who does not qualify to succeed to a tenancy – for example a carer who has given up their previous home;

Or

- where we make an allocation, out with our normal allocation system, to a household being resettled in the UK – for example through an official Resettlement Programme.

Any allocations made in this way will require the approval of the Director and will require to be reported to the Services Sub Committee.

## **37. OFFERS AND REFUSALS**

### **37.1 Number of Offers**

We will make a maximum of two offers to applicants. This means that applicants who refuse their first offer will be made a second offer as availability of vacancies permits. We are keen to avoid wasting an applicant's time and the Association's time by making multiple offers to an applicant. We will therefore have a discussion with any applicant who refuses an offer to ensure any future offer best meets the applicant's needs and expectations.

The housing application form allows applicants to choose as many or as few house types and allocation areas as they want, and applicants can change these at any time. However, applicants should only select house types and allocation areas that they reasonably believe meet their needs and expectations.

### **37.2 Making an offer**

When an applicant has met the criteria for a forthcoming vacant property and we match the house to the applicant, we will then consider the applicant for the provisional offer usually in advance of keys being available.

The identification and selection of potential applicants to be offered accommodation is delegated to specific staff who have a detailed knowledge and understanding of the Housing Allocation Policy and associated procedures. However, **all** provisional offers must be checked and authorised by a different staff member before they are made.

### 37.3 Applicant lives in a Molendinar Association property

If the applicant lives within a Molendinar Housing Association property, we will telephone the applicant to arrange a suitable date and time to visit their home. If we are unable to contact the applicant, we will write to the applicant advising that we need to carry out a home visit to discuss their application and will request that the applicant contact us.

We will always carry out this visit before we make any offer of housing. During this visit we will carry out a house inspection and check that there has been no change in the circumstances of the application which could affect the applicant's entitlement to rehousing offers. We will ask for proof of residence for all members of the household who may be moving.

We will carry out a house inspection where the applicant has a tenancy. The applicant's current property must be in a lettable condition. If there are any property defects that have been caused by neglect or wilful damage, these must be rectified by the tenant prior to an offer being made.

If the visiting officer is satisfied that all the details are correct, that there are no breaches of tenancy and that the house inspection is satisfactory, the officer will make a provisional offer of housing. This provisional offer will be made in writing, stating the address, size and rent of the property offered. The officer may arrange a date with the applicant for an accompanied viewing of the house.

If the details have changed and the applicant no longer qualifies for the offer, or the applicant's accommodation is in unreasonable condition, we will not make the offer. However, if the details have changed and the applicant still qualifies for the offer, we will make the provisional offer as detailed above.

Where an offer of accommodation is made, the applicant will have a time limit of **3 working days** to contact us to confirm their interest. Applicants will have **1 working day** to accept or reject an offer after the accommodation has been viewed.

New tenants will normally be offered a Scottish Secure Tenancy but in certain circumstances it may be necessary to offer a Short Scottish Secure Tenancy (SSST). When we make an offer of housing to joint applicants, we will generally create a joint tenancy in respect of each of the applicants.

### 37.4 Applicant does not live in a Molendinar Housing Association property

If the applicant does not live in a Molendinar Housing Association property, we will pursue a tenancy reference where appropriate and where an applicant is likely to receive an offer of housing. We will telephone the applicant to arrange a suitable date and time to visit their home where it is reasonably practical for us to do so. If we are unable to contact the applicant by telephone, we will write to them requesting that they contact us so that we can carry out a home visit or otherwise arrange to discuss their application and current housing circumstances.

Where it is reasonably practical to do so, we will usually carry out a home visit before we make any provisional offer of housing. On some occasions – where the distance to the applicant’s home is deemed to be unreasonable - we may ask another social landlord to carry out this visit on our behalf. During this visit, or through interviewing the applicant where it is not possible for us to visit, we will check that there has been no change in the circumstances of the application which could affect a potential offer of rehousing. We will ask for proof of residence for all members of the household who may be moving.

If the visiting / interviewing officer is satisfied that all the details are correct, and that any house inspection is satisfactory, the officer will make a provisional offer of housing.

This provisional offer will be made in writing, stating the address, size and rent of the property offered. The officer may arrange a date with the applicant for an accompanied viewing of the property.

If the details have changed and the applicant no longer qualifies for the offer, we will not make the offer. However, if the details have changed and the applicant still qualifies for the offer, we will make the provisional offer as detailed above.

Where an offer of accommodation is made, the applicant will have **1 working day** to accept or reject an offer after the accommodation has been viewed.

New tenants will normally be offered a Scottish Secure Tenancy but in certain circumstances it may be necessary to offer a Short Scottish Secure Tenancy (SSST). When we make an offer of housing to joint applicants, we will generally create a joint tenancy in respect of each of the applicants provided the criteria to do so as set out elsewhere in this Policy have been met.

### 37.5 Not making an offer

#### 37.5.1 Applicant lives in Molendinar Housing Association property

If the visiting officer is not satisfied with the house inspection or finds that there is a change in the circumstances, which affects the potential offer, the officer will advise the applicant of the issues identified and confirm

them in writing. The visiting officer will not make the offer of housing under these circumstances

If the house inspection has failed due to condition or damage to the property which is the applicant's responsibility, the officer will advise the applicant in writing of the timescale that they have to bring the house up to standard. In exceptional circumstances, the Director may extend the timescale. If the house is not brought up to an acceptable standard within the timescale set by the officer or the Director, we will not make the offer and the application will be suspended. The suspension will continue until the house has been brought up to an acceptable standard. If the house is brought up to an acceptable standard within the timescale, we will make an alternative offer as it may not be realistic or desirable for us to hold a vacancy.

If the visiting officer determines that the details on the application have changed and that the applicant no longer qualifies for the offer, we will not make the offer. However, if the details have changed but the applicant still qualifies for the offer, we will make the offer.

### **37.5.2 Applicant does not live in a Molendinar Housing Association property**

If the applicant does not live in a Molendinar Association property and they advise us that the details on their application have changed, we will re-assess their application using the amended details. If the assessment confirms that the applicant no longer qualifies for the offer, we will withdraw the offer. However, if the assessment confirms that the applicant still qualifies for the offer, we will make the offer as detailed above.

## **37.6 REFUSING OFFERS**

We will apply penalties for refusal of offers of housing, to discourage applicants from refusing any reasonable offer. We define a 'reasonable offer' as one that meets the needs and reflects the choices of the applicant.

### **37.6.1 Refusing first offer**

If we offer a house to an applicant that meets the applicant's needs and reflects the applicant's choices, and the applicant refuses it, we will record this on our records and the application will remain on the waiting list. We will make a second offer when availability of suitable vacancies permits.

### **37.6.2 Refusing second offer**

If we make a second offer of housing that meets the applicant's needs and reflects the applicant's choices, and the applicant refuses it, this will be recorded and the application will remain on the waiting list, however the

applicant will be expected to attend a meeting with the Director to discuss their application and to identify the reasons behind the previous two refusals. During this time the applicant will be invited to reconsider their housing options before we would make any future offers.

### **37.6.3 Alternative reasons for refusal**

We seek to allocate all our houses in good order and in line with our minimum lettable standard, although some minor repairs may be carried out or items may be upgraded through our investment programme after a new tenant moves into a vacant property. If an applicant has concerns about the condition of the property, outstanding repairs or programmed works, they should discuss this with us before refusing the offer.

If through refusing an offer an applicant wishes to change the housing types or allocation areas that they are interested in, we are happy to discuss the availability of alternative house types and allocation areas. Applicants may be advised to amend their application form so that any future offers better meet their needs and expectations.

When a Section 5 homeless referral refuses an offer of accommodation, we will advise the local authority's Homelessness Service. Section 5 homeless referrals may appeal to the Council that the offer of accommodation was unreasonable, in which circumstances the local authority's homeless appeals procedures will apply and determine whether an alternative offer of accommodation should be made.

If an applicant is refusing an offer because the applicant believes that we have not followed our policy, the applicant can complain to us using our Complaints Policy (see Section 40).

### **37.6.4 Failure to contact regarding an offer**

If we have written to an applicant regarding their application and an offer of housing and the applicant has failed to contact us to arrange a suitable date and time for a home visit within our reported timescales, we will suspend the application. We will write to the applicant advising of this, stating our reason for doing so. If we receive no further contact we may remove the application from our list, although the applicant will be able to reapply for housing at a future date.

## **38. IMPORTANT INFORMATION FOR APPLICANTS**

### **38.1 Inspection of Records and Access to Information**

Applicants have the right to inspect the records kept by the Association of the information given on the application form. Where applications are stored on computer, the applicant has the right under the Data Protection Act 1998 and the General Data Protection Regulations 2018 to see any information stored about him or her on computer. The Association will respond, under the terms of the Act, to any requests made in writing.

- 38.2 **Appeals** Any applicant who believes that an inappropriate decision has been made regarding their eligibility, the list on which they are placed, an offer made to them, or any other matter may appeal to the Management Committee of the Association by writing to:

**The Chairperson  
Molendinar Park Housing Association  
3 Graham Square  
Glasgow  
G31 1AD**

All appeals must be made in writing. We will be happy to assist applicants with this if they require and request assistance.

38.3 **Complaining about the way we have handled an application**

If, at any time, anyone feels that we have not dealt with their application in a fair and consistent manner and in accordance with the written policy or that our staff have not treated them reasonably, they may register a complaint through our, Complaints Policy. A copy of this is available at our offices and on our website.

38.4 **Complaining to the Scottish Public Services Ombudsman**

The Ombudsman will deal with complaints of maladministration. If, having followed our complaints procedure, an applicant does not consider that we have dealt with the matter to their satisfaction they have the right of appeal to the Ombudsman.

The address is:

**Scottish Public Services Ombudsman  
4 Melville Street  
Edinburgh  
EH3 7NS**

**Telephone No 0800 377 7330 – freephone  
or 0131 225 5300**

**or by using their on-line complaints procedure which can be found at**

**[www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)**

The Ombudsman will not normally deal with complaints regarding our policies unless it is considered that the policy operates unfairly, and the applicant has followed our Complaints Policy.

e) **Recourse through the legal/judicial system**

If at any time any applicant feels that any decision that we have taken is in breach of any legislation, the applicant is free to seek legal advice and pursue the matter through the appropriate legal channels.

**39. INVOLVING, CONSULTING AND INFORMING TENANTS AND APPLICANTS**

### 39.1 How we will involve and inform tenants and applicants

We have consulted key stakeholders in developing and reviewing our Allocation Policy and sought to reflect current legislation and good practice.

We promote our Housing Allocation Policy through our newsletter and website. A copy of our Housing Allocation Policy is also available on request at our office.

If any applicant has difficulty in filling out any of our forms, they can contact us or call into our office and our staff can provide advice and assistance. We may also be able to arrange for one of our staff to call at an applicant's home to help with the form.

We seek to provide information in a format that is clear, concise and in plain English. On request, we will provide translations of all our documents, in various languages and other formats such as, memory stick, large print Braille etc. This can be arranged by contacting our office.

- 39.2 The outcome of consultations on our allocations policy and any proposed changes to it will be publicised in line with the requirements of the 2014 Housing (Scotland) Act.

## 40. PERFORMANCE MONITORING

- 40.1 We will review the success of this policy in creating and maintaining stable, balanced communities on a regular basis. To assist in this the following will be collected, monitored and reviewed and reported to the Committee:

- the number of vacant properties, the turnover, the number of refusals, the reasons for the refusals, the reasons for terminating tenancies, the household type being allocated properties
- the cost of re-letting, voids loss and exceptional repairs costs
- the number and percentage of applicants by each category of need and the numbers and percentages of those housed
- the number of transfer list applicants rehoused;
- the number of waiting list applicants housed; and
- the number of homeless, section 5 applicants housed.
- the number of abandoned properties
- the number of appeals, complaints, including complaints to the Scottish Public Services Ombudsman and the outcome

- our tenancy sustainment rates

Interim reviews will be carried out annually by means of a review of allocations with a major review every five years based on the results of Residents' Satisfaction Surveys.

#### **41. POLICY REVIEW**

- 41.1 This Policy will be reviewed every three years or earlier if so required by changes in legislation, guidance or practice. Any proposed changes to the Policy will, in line with legislative requirements, be consulted upon and will require to be presented to the Committee for approval with a report being prepared and published on the consultation.

#### **42. GDPR**

- 42.1 The Association will treat all personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how all data will be used and the basis for processing all data is provided in the Association's Customer Fair Processing Notice.

#### **43. LINKS TO OTHER POLICIES**

- Repairs and Maintenance Policy
- Void Management Policy
- Arrears Prevention Management and Recovery Policy
- Estate Management Policy and Procedures
- Tenant Sustainment Policy
- Tenant Participation Policy
- Entitlements, Payments and Benefits Policy
- Code of conduct Policy

#### **44. FREEDOM OF INFORMATION**

- 44.1 As at November 2019, the Association is subject to FOI and all enquiries with respect to allocations, Assignment, Sub-letting, Lodgers, Joint Tenancy & Mutual exchange will be handled strictly in line with FOI and confidentiality policies.

1. **Health**

**The applicant suffers from a medical condition, which would be alleviated by a specific type of house.** Such applicants would only be accepted onto the list where the Association owned such property.

2. **Unsatisfactory Housing**

**The applicant currently resides in housing which is temporary or below accepted standards or which is overcrowded.** Such applications will normally result from an agreement with GHA regarding local clearance and redevelopment.

3. **Financial**

**The applicant requires to obtain less expensive accommodation than their current home.** Such applications could result from mortgage repossession or obtaining low-paid employment or other factors of this nature, including under-occupation.

4. **Locational**

**The applicant wishes to obtain accommodation nearer to their place of work or study or to be nearer to family or other support structures.**

5. **Social**

**The applicant requires alternative accommodation as a result of non-housing issues relating to their current accommodation.** Such applications may result from marital breakup or racial, or other, harassment, violence or anti-social behaviour by neighbours.

Applicants aspiring to live in Molendinar properties are included in these criteria.

**Any applicant satisfying one of the above need criteria will be accepted as eligible for housing by the Association. Thereafter their position on the list will be determined by the length of time they have been on the list. They will be removed from the list once they no longer qualify in respect of the need category which resulted in their admission to the list but may reapply if they meet other need categories. In this case they would return to the bottom of the relevant list.**

**a) Acute Need**

This includes homelessness, racial harassment, harassment by neighbours, or others in the vicinity of the applicant's current accommodation, domestic violence, medical need, over-crowding and under-occupation in the social rented sector.

**About one third of allocations will be made to this category.**

**b) Socio-Economic Balance**

This includes those applicants with lower need criteria who aspire to live in the area and who possess socio-economic characteristics, which are under-represented within the area. This category will be used to balance employment, educational, age and household type weaknesses.

**About one third of allocations will be made to this category.**

**c) Community, Social and Family Need:**

This category will include applicants who will be enabled to enter, or remain in, training, education or employment by moving into the area; and applicants who require to receive support from, or provide support to, a relative who lives within the community.

**About one third of allocations will be made to this category.**

### Equality & Diversity Impact Assessment (EIA)

The aim of the EIA is to consider the equality implications of a policy, practice, or service to prevent discrimination against people who are categorised as being disadvantaged or vulnerable within society (as listed in point 4) and to consider if there are ways to proactively advance equality.

Name of the <b>policy/practice/service</b> to be assessed	Allocations Policy	Is this a <b>new policy/practice/service or a revision to an existing?</b>	Review
Person(s) responsible for the assessment	John Mallon Senior Housing Officer		
1. Briefly describe the <b>aims, objectives and purpose</b> of the policy, practice, or service.	To have an open and transparent system of letting property To eradicate overt and hidden discrimination against applicants who are eligible for housing		
2. <b>Who is intended to benefit</b> from the policy, practice, or service? ( <i>e.g., applicants, tenants, staff, contractors</i> )	All applicants will benefit from a policy and procedure that is equitable and fair for all. It is anticipated that changes to the policy and procedure which result from this Equality Impact Assessment will lead to increased customer satisfaction.		
3. What <b>outcomes</b> are <b>wanted</b> from this policy, practice, or service? ( <i>e.g., the benefits to customers</i> )	Identify any potential or real inequalities that result from the application of the allocations policy & procedure To amend the service to mitigate these inequalities		

4. Which <b>protected characteristics</b> could be <b>affected</b> by the policy, practice, or service?	<i>(✓) tick all that apply</i>	
	Age	✓
	Disability	✓
	Gender reassignment	✓
	Marriage/Civil Partnership	✓
	Pregnancy/Maternity	✓
	Race	✓
	Religion or belief	✓
	Sex	✓
	Sexual Orientation	✓
	Consider if you want to add any more e.g. ?	
<ul style="list-style-type: none"> <li>• People with caring responsibilities</li> <li>• People from lower socio-economic backgrounds</li> </ul>	 ✓ ✓	

5. If the policy, practice, or service is not relevant to any of the <b>protected characteristics</b> listed in part 4, state why and end the process here.			
6. Describe the <b>likely positive or negative impact(s)</b> the policy/proposal/report could have on the groups identified in part 4	<b>Positive impact(s)</b>		<b>Negative impact(s)</b>
	<p>All groups potentially could be affected</p> <ul style="list-style-type: none"> <li>• <b>Disability</b> Disabled applicants with medical points may receive offers of housing for suitably adapted properties over and above other applicants who do not require such adaptations. This is necessary to ensure best use of the housing stock and ensure that adaptation funding is appropriately managed.</li> <li>• <b>Pregnancy/maternity</b> Applicants who provide confirmation of pregnancy will have this taken into account in overcrowded circumstances, this may result in a pregnant applicant receiving an offer of housing before their baby is born over and above a household where a child is already living there</li> </ul>		<ul style="list-style-type: none"> <li>• <b>Minority Ethnic</b> There may be negative impact on those for whom English is a second language who may find it more difficult to understand &amp; navigate the process and fulfil the requirements.</li> <li>• <b>Age</b> Sheltered housing at Drakemire, built specifically for those who require additional support to assist with independent living without any age requirements, will be allocated to that age group in the first instance. This is in order to ensure correct use of this housing stock.</li> </ul>
7. What <b>actions</b> are <b>required</b> to address the impacts arising from this assessment? <i>(This might include collecting additional data,</i>	<b>Issue</b>	<b>Action</b>	<b>Timescales</b>

<i>putting monitoring in place, specific actions to mitigate negative impacts).</i>			
<b>8. Decision</b>  Please record decision e.g., <ul style="list-style-type: none"> <li>• No change/amend (see above)</li> <li>• Cease</li> <li>• Progress with risk (monitor and add to risk register?)</li> </ul>			
<b>Signed</b>	John Malin		
<b>Job title</b>	Senior Housing officer		
<b>Date the EIA was completed</b>	16 June 2022		
<b>Review date</b>			
<b>Date of any quality sample check</b>			

*Please attach the completed document as an Appendix to your policy, practice, or service report*