



Policy on:	Allocations and Housing Options Policy
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Compliant with:	Indicator - 1 – Equality Indicator - 2 - Communication Indicator - 3 - Tenant Participation Indicator - 7, 8 and 9 Access to Social Housing and Support Indicator - 10- Access to Social Housing Indicator - 11- Tenancy Sustainment
Compliant with Tenant Participation Strategy:	Yes
Compliant with Equality & Diversity:	Yes
Compliant with Business Plan:	Yes

Date of Approval:	TBC
Date for Review:	TBC

Responsible Officer:	Director of Customer Services
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This policy is available in main languages used locally. Please contact us by email at enquiries@barrheadha.org or by phone on 0141 881 0638 to discuss how we can best meet your needs to access this document.

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Executive Summary

This policy review has taken place in the context of an ongoing housing shortage within Scotland, with persistently high and increasing levels of homelessness. Despite a marked increase in the number of affordable homes in Scotland since 2012, registered social landlords in Scotland have found it difficult to address all unmet housing needs within their communities. There continues to be a shortage of available family-sized homes, which has led to ongoing overcrowding for many families. Long term overcrowded housing conditions can lead to poor outcomes in health, wellbeing, employment, and education outcomes for households experiencing inadequate housing. There is also a shortage of specialist housing solutions, such as adapted, amenity, and sheltered / retirement housing properties for persons with additional housing needs and for those leaving supported accommodation.

Barrhead Housing has undertaken extensive research into local housing need, looking at our own waiting list, customer feedback and local housing markets. Evidence gathered from the local lettings market indicates that many lower- and middle-income households struggle to access affordable housing options within East Renfrewshire.

East Renfrewshire's housing market consists of

- 6% private rented sector.
- 12% social rent, as delivered by East Renfrewshire Council, Barrhead Housing, and other specialist RSL providers.
- 82% privately owned, with East Renfrewshire regularly identified as one of the most attractive areas in which to live in Scotland.

Combined with an ongoing shortage of new supply that has failed to meet growing demand, this has led to an ongoing surge in house prices, putting home ownership out of the reach of many families and households. This has also impacted on the affordability of private rents, which in some areas of East Renfrewshire are at the same level as high demand areas in Glasgow and Edinburgh. Affordability in this context is based upon an assumption of no more than 25-35% of gross household income being spent on housing costs.

Research from Arneil Johnston shows that around 44% of households in East Renfrewshire have annual household incomes of less than £45k per annum, which indicates they would be unable to afford the current average market rent of £803 per month in the private rented sector within East Renfrewshire for a two-bedroom property. 74% of households within East Renfrewshire cannot afford average current asking prices for properties to purchase, including those already with a mortgage product who may be looking to upsize or downsize according to their own circumstances. This in turn has led to greater demands on the social rented sector.

This increase in demand and low availability of housing has had effects on the wider community. As part of the consultation for this policy review, our partners at East Renfrewshire Council and East Renfrewshire Health and Social Care Partnership have

identified high demand for housing from homeless households and looked-after persons leaving the care system. This has led to homeless households being temporarily housed in accommodation outside of East Renfrewshire, which has impacted on the ability of families to sustain existing links to schools and employment. The difficulty of looked-after persons to find permanent accommodation within their community risks damaging their ability into independent and support living, as they are forced to move away from existing support structures.

To reflect the changing demand in housing needs, we have revised our approach to people with additional housing needs due to health conditions. The previous policy focused on physical health conditions and was unclear that a health condition would not necessarily require the applicant to move home, as such a move would not alleviate the effects of the condition. Where possible, we will consider other options such as adaptations or support packages to be put in place instead, to minimise disruption to our most vulnerable customers.

We appreciate overcrowding is an ongoing issue affecting many of our customers. As part of our approach to alleviate overcrowding and free up family-sized properties, we will try address under-occupation of existing homes. We have revised rules around under-occupation, giving us flexibility to offer tailored financial incentives to existing Barrhead Housing tenants to downsize so that their current home can be offered to larger families. To maximise the effects of incentivising downsizing, we have also removed under-occupation priority points from those in the private rented sector and who are homeowners so we can give reasonable preference to those who are under-occupied in the social rented sector.

People have a right to lead a life free from violence and abuse. We recognise that survivors of domestic abuse are blameless and that a home should provide safety and security. We will support survivors to stay in their home where this is their wish and seek to have the perpetrator to be rehoused. Where this is not possible, applicants experiencing domestic abuse will now have the same priority as those who are homeless to reflect our recognition of the urgency of assisting survivors and their families.

We have amended our proposed allocations quotas (outlined in Appendix 2) to offer more properties to those who are homeless and referred to us by East Renfrewshire Council to help alleviate homelessness. We have also created a new category of priority for those leaving accommodation provided by or through the health and social care system, criminal justice system and the armed forces. This is to reflect the difficulties faced by those leaving these support structures, to help address those unmet housing needs for customers applying to us out with mainstream routes.

To support all our customers applying for housing, we have also completed a full review of our Housing Options journey, offering a streamlined process for our customers to access tailored, high-quality advice to allow them to make informed decisions. This involves a combination of digital-enabled customer input and in-person support along the whole journey from our Customer Services team. An outline of this process is available at Appendix 4.

Section A

1. Introduction

The overall purpose of this policy is to assist our customers with their housing needs when allocating Barrhead Housing properties. We will let our properties in a way which allows reasonable choice for our customers, makes the best use of our properties, and contributes to the overall principle of creating balanced and sustainable communities where people can thrive and aspire. We want people to feel proud to live in a Barrhead Housing property.

We will work closely with East Renfrewshire Council and other public and third sector partner organisations to help prevent and reduce homelessness, whilst offering solutions to applicants from our waiting lists and nominations from partner agencies to address overall community housing need.

This policy has been reviewed considering best practice from throughout the Scottish Social Housing Sector, the Scottish Government's Practice Guide on Social Housing Allocations, all relevant current and draft legislation, and the Scottish Social Housing Charter. We have also consulted with our customers, our partners, our Governing Board, and our staff team to set out our priorities for this policy.

2. Policy Aims & Objectives

This policy has been developed to help Barrhead Housing to meet the housing needs of households who wish to reside within properties in our area.

We aim to:

- Offer our customers high quality housing options advice and support to enable them to make informed decisions on available housing options which best meet their needs.
- Give priority and allocate our properties with reasonable preference to customers with the greatest housing need, whilst ensuring the best use of our properties.
- Reduce and prevent homelessness within our areas of operation.

3. Reasonable preferences

All applications will be assessed on individual housing needs and given priority in accordance with criteria this policy and where we may give reasonable preference under relevant legislation.

3.1 Factors which we will take into account

3.1.1 Reasonable preference

The Housing Scotland (2014) Act amended section 20 of the 1987 Act and sets out three categories of applicants that we must consider, by law, when deciding to whom we offer any homes that become available. These are:

- a. Homeless persons and persons threatened with homelessness and who have unmet housing needs;

Part II of the 1987 Act (as amended) defines “homeless persons”.

‘A person is homeless if he or she has no accommodation in the United Kingdom or elsewhere, or if he or she has accommodation, but it would not be reasonable for him or her to occupy it.’

Threatened with homelessness is defined as:

A person is threatened with homelessness if it is likely that he or she will become homeless within two months.

- b. People who are living in 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.

3.1.2 Unmet housing need

These reasonable preference categories have been considered in the development of this policy and where they have unmet housing needs. This means that we will consider whether customers have housing needs which cannot be met through other housing options which are available. We will consider what those other options might be and whether they are accessible to the applicant. We will offer advice and support where appropriate.

3.1.3 Unsatisfactory housing

This is a broad term which within this policy covers the physical condition of the house, such as the property being below tolerable standard, as well as its unsuitability due to a health condition or long-term disability of the occupant. Unsatisfactory living arrangements, significant problems with neighbours, harassment and domestic abuse can all also be covered within this the term.

3.1.4 Heritable property / owners

Section 5 of the 2014 Act allows us to take account of property. This applies to the ownership of, or value of, heritable property owned by the applicant, a person who normally resides with the applicant, or a person who it is proposed moves in with the applicant to join their permanent household.

We may at times allocate a property to a homeowner, or persons proposed to reside with them, on a temporary basis where the applicant or persons proposed to reside

with them, owns heritable property. These temporary lets are provided by granting the property owner or persons proposed to reside with them a Short Scottish Secure Tenancy to meet a temporary, short-to-medium term housing need.

In these circumstances the property would be let clearly on a temporary basis pending the applicant making other arrangements required to meet their long-term housing needs in a foreseeable timescale. The applicant must have housing need.

Some examples of circumstances in which we would consider appropriate include:

- awaiting an agreed period which their property is rented out and they are awaiting this to come to an end to be able to live there.
- they sell their property and secure alternative accommodation that meets their needs, such as adapted, amenity or sheltered housing.
- make the necessary arrangements for building on, extending or installing adaptations to the property; or
- carry out repairs needed to make the property habitable.

In such circumstances described above we will determine whether a Short Scottish Secure Tenancy or a Scottish Secure tenancy is the most appropriate type for a homeowner applying for housing. All circumstances regarding housing needs and whether those needs are temporary or permanent will be considered. Robust evidence of such circumstances will be required to assist our assessment.

There are, however, there are circumstances where heritable property cannot be considered:

- Where the property has not been let, but the owner cannot secure entry to the property. For example, this may include where there are severe structural faults rendering the property uninhabitable.
- Where it is likely that occupying the property would lead to abuse or exploitation from someone currently living in the property.
- Where it is likely that occupying the property will lead to abuse or exploitation from someone who previously resided with the applicant whether in that property or elsewhere in the immediate vicinity of the property.
- Where occupation may endanger the health and safety of the occupants and there are no reasonable steps by the applicant to prevent that danger.

3.2 Factors which we cannot consider

In letting our properties, we cannot take account of the following factors:

- The length of time an applicant has resided in the area or historical family links to an area.
- Any outstanding housing debt not due by the applicant. For example, this may include rent arrears or rechargeable repair debts owed by a former partner or other member of the household who was the tenant.
- Any housing debt accrued in a previous tenancy that has since been repaid.
- Any other debt owed by an applicant (or a member of their household) that is not attributable to the tenancy of a house. For example, Council Tax arrears or other unsecured/secured personal debts.
- An applicant's age if they are over 16. We may consider the age of an applicant where the available property is designed or substantially adapted for persons of a specific age or housing need. For example, applicants in need of a specific recognised housing support service or property relating to their age, health condition or support needs.
- The income of the applicant and the applicant's family. However, we may use information relating to a households' income to offer advice on alternative housing options that may better meet a customer's needs.
- Housing debt such as rent arrears that is less than one month of the annual rent payment due. We will make a suitable arrangement to clear the debt to minimise rent arrears owed.
- Housing debt of value of more than one month of the annual rent, where an agreement to repay is in force, and the applicant has made the agreed repayments for at least three consecutive months or more.

4. Applying for a property

Anyone aged 16 can apply to our housing list. Applicants may make a joint application with another person or people who want to live with them, even if not living in the same household now. This may include those applicants whose partners or family are living overseas and are in the process of planning to join them later. Any offer in this circumstance is subject to supporting information from the relevant agencies confirming this.

4.1 Homelessness, or in need of emergency accommodation

We do not have any emergency accommodation to offer applicants with immediate housing needs. Applicants in need of immediate assistance with their housing needs should contact their Local Authority to seek emergency accommodation.

East Renfrewshire Council (ERC) has a legal obligation to assess anyone presenting themselves as homeless and offer assistance as the law requires. This assistance may include

providing a temporary or permanent accommodation.

We have a formal agreement with ERC outlining how we will work together to offer permanent homes to those who are homeless.

4.2 Applicant Responsibility

It is the responsibility of applicants to provide full and accurate information at all times through secure channels such as mail, email, a secure message facility or in-person. This includes:

- Providing identification of their current and future household.
- Documents and supporting evidence to verify their individual circumstances.
- To advise us if their housing and personal circumstances change.
- To keep us updated on ways to contact them.
- To respond to our regular housing list review (normally conducted [annually](#)).

Applicants who are later found to have misled Barrhead Housing in securing an offer of housing may have this offer withdrawn. Where a tenancy has been granted, in these circumstances we may take legal action to recover the tenancy.

4.3 Housing Options and completing an application

Applicants are invited to undergo a review of their housing needs prior to any application. This is to help applicants make informed housing options choices according to their needs and individual circumstances. Homeless applicants referred to us by ERC will have their needs assessed in advance by the local authority.

The Housing Options review is carried out online via our website, where applicants will be asked questions regarding their circumstances and housing needs. Our Customer Services Hub team will then offer tailored advice on potential housing solutions, which may include applying to other housing tenures and providers or staying where they are with support or adaptations. Applicants who wish to continue with an application to Barrhead Housing will then be provided with a secure link to do so.

While we expect most customers will be able to complete their application online, applicants who are unable to apply for housing following the online process will be supported to do so by a telephone or in-person appointment with the Customer Services Hub team at our offices at a mutually convenient time.

4.4 Information and advice for applicants

We recognise that each applicant will have individual circumstances and housing needs. We understand the importance of high-quality advice so that applicants may make informed decisions on their housing options.

Our Customer Services Hub team will provide high quality advice on:

- The likelihood of being re-housed by Barrhead Housing, based on individual circumstances and information provided.
- Opportunities to find housing with other local landlords within East Renfrewshire and neighbouring local authority areas.
- opportunities to find housing solutions in other tenures within East Renfrewshire and neighbouring local authority areas.
- How long it will take to process and assess an application.

Due to our properties only being offered to applicants when they become available as an existing tenant vacates their home, we are unable to offer an indication to any applicant as to how long it will take to receive an offer of housing.

4.5 Supporting information required at application

4.5.1 Confirming identity

We need confirmation of all people who will reside within a tenancy. We need this as this will determine the size of property for which they will be eligible. Applicants will need to provide us with the following documents with their application form:

- Photographic ID (Passport or Driving Licence) – copies will not be retained as per data protection policy.
- National ID Card (if applicable) - copies will not be retained as per data protection policy.
- Birth Certificate for all children – copies will be retained as per data retention policy.
- National Insurance Number – copies will be retained as per data retention policy.
- Proof of address dated within last 12 weeks - copies will be retained as per data retention policy.
- Supporting information on any additional housing needs, such as health conditions.

4.5.2 Confirmation of a pregnancy

We require confirmation of a current pregnancy of the applicant or a member of their household. We require this as this will determine the size of property for which the household will be eligible. Confirmation is usually provided by documentation to supplied to pregnant women by their local health services, such as a Mat B1 form or similar document.

4.6 Applicants who are subject to Immigration Control

The law covering asylum and immigration is complex. Applicants subject to Immigration Control may require specialist support with their housing needs. If an applicant is subject to Immigration Control, they must tell us. While we may be unable to directly assist with offering solutions for their housing needs, we may be able to provide details of agencies who can help.

5. Applications, offers and refusals

Where all the supporting information and confirmation of circumstances have been provided, we aim to process housing application forms within 5 working days. If required, we may request additional information from an applicant or other organisation to assess their application or confirm their circumstances.

Failure to provide this may delay or cancellation of an application. Unless an applicant has advised us of a reasonable reason for delay in providing this information, we will cancel incomplete applications after 21 working days from the date when the application was submitted.

We will not cancel applications where delays are out with the control of applicants, such as waiting on tenancy references from current/former landlords or supporting information on any health conditions.

Points for housing priority will be awarded in accordance with the points system and applicants placed on the appropriate list. We will write to all applicants explaining the number of points awarded and details of their housing prospects based on the assessed level of need and areas requested.

Where an applicant has a health condition that is exacerbated by their current housing circumstance **and** where this would also be significantly alleviated by alternative housing, we will award priority points based on the information provided by applicants who complete a health condition self-assessment form. The assessment and award of such points will be awarded by and signed off by a specially trained member of staff.

Where an existing customer with a home currently unsuited to a disability requests a transfer, we shall offer advice on aids and adaptations to enable the applicant to have a choice to stay in their home wherever possible. Applicants on our general waiting list will be offered the same advice and the contact information of the relevant service provider.

5.1 Making enquiries & seeking references

To help us create balanced and sustainable communities, we will seek appropriate references with regards to the previous tenancies of applicants. These will be sought with the applicant's consent prior to any offer being made; for example, to check details with a previous or current landlord.

We will ask a previous or current landlord for a reference if the applicant has been their tenant at any time in the past 3 years. This is to find out whether:

- Any tenancy-related debt is owed.
- The applicant or a member of their household have acted in an anti-social manner.
- The landlord has taken any formal action against the applicant or a member of their household to end their tenancy.

If an applicant refuses permission for us to seek references, then we will not proceed with an offer of housing until satisfactory references are received.

5.2 Home Visits

Home visits to the current home of an applicant may be carried out by our team prior to any offer of housing being made. These may be required where we require further information to understand an applicant's current housing circumstances and how we can best assist them.

5.3 Offers of housing

The applicant with the highest priority will be made an offer of any available housing. Should this applicant refuse the offer of housing, we will offer the property to the applicant with the next highest priority. We will not offer the same property or a similar property in the same area to an applicant more than once.

Sometimes we may need to bypass ineligible applicants on the waiting list for particular property types, such as amenity housing or adapted housing, or where this offer of housing would be unsuitable for an applicant's needs. The property allocation process is overseen and verified by a senior member of our team utilising our housing management system.

We will generally make offers to the applicant who has the most points in the list. Where this does not happen, this is formally recorded, and the reasons given for any applicants who are bypassed for an offer. Every offer that we make will be a reasonable offer in line with the information an applicant has given us. This means that the property we offer will meet the housing needs as reflected in the customer's application form.

We will make a formal offer of housing in writing by post, email, or secure message facility. An applicant will normally be allowed 2 working days to accept or refuse an offer following any viewing.

The offer letter sent to an applicant will include full details of the property, including the address, the type of property being offered, how many bedrooms it has, and how much the rent and service charges are.

If we do not hear from the applicant following a viewing, we will withdraw the offer and record it as a refusal by the applicant.

5.4 Refusals

We aim to strike a balance between offering our customers choice and managing our available properties. If an applicant refuses two reasonable offers of housing, we will suspend an application for the period of 12 months. They will need to advise us at the end of the 12-month period whether they wish to remain on our waiting list. In exceptional circumstances we may consider a third and final offer prior to suspension, at the discretion of a senior member of staff. We will not suspend any applicants experiencing domestic abuse or those facing harassment or abuse but will undertake discussions with any applicant in these circumstances to understand their circumstances in detail and reasons for refusal of an initial reasonable offer of housing.

5.5 Tenancies – Scottish Secure Tenancy and Short Scottish Secure Tenancies

When we make an offer of housing, we will generally offer a Scottish Secure Tenancy (SST). An SST is an open-ended secure tenancy which means an applicant keeps their tenancy for as long as they want to, so long as the terms of the tenancy are not breached. If breached, we can take legal action to end the tenancy.

In a limited number of situations, we may instead offer an applicant a Short Scottish Secure Tenancy (SSST).

Barrhead Housing may only give a SSST in very specific circumstances as outlined by the Housing (Scotland) Act 2001, and the Housing (Scotland) Act 2014. We will apply these circumstances to an applicant if:

5.5.1 Anti-social behaviour

We may consider granting an SSST to new tenants, where the applicant, a member of their household or a visitor to their home, has been involved in anti-social behaviour in or near to their home within the last three years.

5.5.2 Homeowners

We may at times allocate a property to a homeowner on a temporary letting basis where the applicant or persons proposed to reside with them, owns heritable property. These temporary lets are provided by granting the property owner or persons proposed to reside with them a Short Scottish Secure Tenancy to meet a temporary, short-term housing need.

On these occasions the house would be let expressly on a temporary basis pending the applicant making other arrangements required to meet their long-term housing needs in a foreseeable timescale. The applicant must have housing need.

Some examples of circumstances which we would consider appropriate include:

- An agreed period which their property is rented out and they are awaiting this to come to an end to regain access to live in the property as their principal home.
- The owner has sold their property and requires time to secure alternative accommodation that meets their needs.
- To allow time to make the necessary arrangements for installing adaptations to the property to accommodate a long-term health condition.
- To carry out repairs needed to make the property fit for habitation.

In such circumstances described above we will determine the most appropriate tenancy for a homeowner applying for housing. All circumstances regarding housing needs and whether those needs are temporary or permanent will be considered. Supporting evidence of such circumstances will be required to assist our assessment.

There are a number of circumstances that we cannot take into account, and these are clarified under section 5.1.4.

5.5.3 Duration of SSST

Where the SSST has been given to an applicant because of anti-social behaviour or eviction for anti-social behaviour, the 2014 Act extends the minimum period to 12 months. This is to allow sufficient time for support services to help address the underlying causes of anti-social behaviour.

5.5.4 Extension of period of SSST

We can extend an SSST for continued anti-social behaviour by an additional 6 months. This means that SSSTs granted due to anti-social behaviour could last up to 18 months. After 18 months the tenancy will be terminated, with the tenant either asked to leave or their tenancy converted to a Scottish Secure Tenancy.

6. Access routes to housing

We will agree a quota of allocations to balance our lets to homeless applicants, applicants to our waiting list, applications from existing tenants and referrals from other partners achieve a spread of allocations. Our Governing Board will agree this balance annually to ensure transparency in how our properties are let, based upon a report provided on current allocations made against targets, as well current and anticipated future housing need and demand.

We will also manage our allocations flexibly, so we may respond quickly to changing circumstances within our waiting list. Our Governing Board may revise our allocations quotas within the year should demand for housing markedly change due to external circumstances, such as revised government policy or exceptional socio-economic factors which affect our customers' housing needs. This approach ensures that we continue to meet the housing needs of our community without being bound to rigid targets. However, as a rule, we will adhere to our quotas of allocations set at the start of the year.

We may also proactively approach existing tenants with offers of re-housing, with the specific aim of addressing under-occupation in large family homes, allowing these properties to be let to households experiencing overcrowding. Where we ask a household to move to a more suitable smaller-sized property, we may consider offering tailored financial incentives and/or practical assistance to encourage our tenants to do so.

Our current quotas are detailed within [Appendix 2](#) of this Policy.

6.1 Homelessness Referral from the Local Authority (Section 5 Referral)

A Section 5 referral is the process by which East Renfrewshire Council provides details of an individual they have assessed as homeless and asks us to provide suitable permanent accommodation. The responsibilities of local authorities are set out in 4.1.

We have a legal responsibility under Section 5 of the Housing (Scotland) Act 2001 to help local authorities to secure housing for statutory homeless people in priority need. We have agreed a formal protocol which outlines the working arrangements for this process. This protocol is available at Appendix 5 of this policy.

Management/Nomination Agreements

Nomination agreements are when we allow external organisations such as a local authority, public body or third sector organisation identify a tenant for a vacant property. We may negotiate separate nomination arrangements with these organisations or sections of East Renfrewshire Council if a specific need is highlighted. Any specific nomination agreements will be agreed by our Governing Board. Such nomination agreements will set out what supports will be in place for any nomination tenant, with an appropriate framework for data sharing.

6.2 General Housing Waiting List

All applicants who are not categorised to be on any of the other housing lists described in this policy will be added to our General Housing Waiting List.

6.3 Internal Transfers List

The internal transfer list hold applicants who are existing tenants of Barrhead Housing and have requested re-housing in alternative accommodation owned by us to address current or aspirational housing needs.

6.4 Sheltered Accommodation

We have sheltered accommodation properties within our stock, which are designed specifically for elderly residents. We currently define elderly residents as aged 60 or older at point of the start of tenancy. Applicants below this age will be offered advice on alternative housing options.

Any applications will be subject to an assessment of housing needs in line with this policy and consider whether an eligible applicant would benefit from the specialist services available within our sheltered housing complex.

6.5 New Developments

To positively address social problems and unmet housing need in identified areas Barrhead Housing will work in partnership with East Renfrewshire Council to set regeneration objectives and lettings initiatives at the beginning of each new development. This will include an agreed set proportion of properties allocated to statutorily homeless applicants.

We also recognise the need to identify, where possible, purpose-built adapted or accessible housing when considering any new build development. An assessment of specialist housing need will be carried out as part of this process.

Consultation with the relevant parties will take place as early in the process as possible. Should an applicant be identified early enough in the process, and where possible, identification of adaptations which may be incorporated into a development contract.

6.6 Accommodation designed for individuals with particular needs

We have a small stock of wheelchair accessible, adapted and amenity houses where adaptations have been carried out. We recognise that people of any age can need an adapted or accessible property to allow them to live independently.

These properties will be allocated with priority given to applicants with relevant health conditions and where a move would address that unmet need, significantly alleviate their health conditions, and improve their quality of life.

We may also involve a local Occupational Health Service to ensure a property meets an applicant's needs. We will also consult with the applicant as to their views on any offer of housing, based upon the information given to us in their application form.

In the event where we identify no suitable applicants from our own waiting lists we will contact East Renfrewshire Council, East Renfrewshire Health and Social Partnership, other local housing providers and other relevant partners to find out whether they have a suitable applicant.

We appreciate that circumstances change, and it may be that a household no longer requires the use of an adapted, accessible or amenity property. In these occasions we will make sensitive approaches to discuss a transfer of tenancy to a more suitable property so that the adapted, accessible or amenity property can be allocated to those who need such a property.

6.7 Leased properties

There is an ongoing shortage of available temporary accommodation in East Renfrewshire. We work in partnership with East Renfrewshire Council and other partners to address this need by offering some of our properties for use as temporary accommodation, on a fixed term leased basis. When leasing a property to another organisation we will ensure that the arrangement is in the best interests of our customers, and that the other organisation manages the property to an acceptable standard. We use a model lease agreement to manage any arrangement for a leased property.

6.8 Low demand stock

Low demand stock is characterised high refusal rates from potential applicants and low levels of tenancy sustainment.

Where an available property is deemed to have little or no demand, we will adopt a more flexible approach to re-letting this. For example, we may allow under-occupation or offer a higher void standard than usual to incentivise potential tenants. We may also offer the property to East Renfrewshire Council or other partners as use as temporary accommodation.

6.9 Mutual exchanges

Customers may find that the solution to improve their unmet housing needs is to arrange a swap, or an exchange with another household who has a similar requirement for a suitable exchange. This is known as a mutual exchange or house swap.

Mutual exchanges take place when two (or more) tenants agree to exchange houses with each other. Those wishing to exchange must be existing tenants of a social housing landlord i.e. a local authority or housing association based in the UK. Tenants do not need to have the same landlord, but exchanges require the approval of all landlords.

Mutual exchanges are commonly arranged using an online exchange platform known as HomeSwapper. This platform allows tenants and landlords to facilitate and verify exchanges. However, it is not necessary to use HomeSwapper if either party does not wish to do so.

We will consider any written request from tenants to exchange homes with other local authority or housing association tenants. We will notify a decision on any application for a mutual exchange within 28 days of the request being received. This is to allow us time to seek references from other landlords and carry out other checks.

The written approval of all landlords must be granted before an exchange can take place. We will not unreasonably withhold consent on mutual exchanges. We will need to verify the consent of anyone affected by a proposed exchange, such as other joint tenants or occupiers of a property which is their usual home, such as adult occupiers and the partners of any tenant involved in the exchange.

All parties will view the property that they proposed to transfer to and will be satisfied that they are accepting the property in the condition at viewing including cleanliness, internal decoration, improvements and alterations and any repairs that are the tenant's responsibility.

Although the incoming tenant legally takes on responsibility for the condition of the property and Barrhead Housing tenancy conditions, it is important that we ensure the health and safety of our customers. Prior to the completion of any mutual exchange, we will arrange an inspection of the property and will order any repairs that are our responsibility. This will include ensuring that gas and electric safety checks and a relevant up-to-date EPC (Energy Performance Certificates) (if appropriate) will be carried out as standard prior to the date of entry. In all cases, no repairs other than those carried out under the terms of the normal landlord responsibilities will be carried out because of an exchange.

Those tenants undertaking a mutual exchange should satisfy themselves that the property they are moving to is in a good state of repair. The incoming tenant will assume full responsibility for the alterations and will be required to make good or reinstate if they thereafter move out. All costs associated with such works will be the responsibility of the incoming tenant. The outgoing tenant is not eligible for a compensation for qualifying improvements that they have made to the property.

We may refuse consent to a mutual exchange in certain circumstances. For example, we may refuse consent when:

- We have served a notice of proceedings for possession on the tenant warning them that we may seek eviction for anti-social behaviour.
- An order for recovery of possession of the house has been made against the tenant, or the tenant is in persistent rent arrears.
- The house was provided by the landlord in connection with the tenant's employment, known as 'tied accommodation'.
- The accommodation in the other house is substantially larger than required by the tenant or their household; or is not suitable to the needs of the tenant/family. For example, this might be because the house is an adapted, accessible or amenity property.
- We generally will not permit unavoidable overcrowding or under-occupation of a tenancy. Where a mutual exchange would result in either overcrowding or under-occupation, consideration of the request will consider the availability of this type of accommodation

in the area, the circumstances of the households concerned, and the extent to which the mutual exchange would address the existing issues of unmet housing need.

- We intend to carry out work on the house (or the building of which the house is part) which would affect the part of the house connected with the proposed change.
- If we have been made aware that a genuine exchange is not taking place. This would include instances where only one party to the exchange intends to move into the property as their principal home and the other applicant has already secured alternative accommodation elsewhere.
- If one party does not complete the exchange, we reserve the right to pursue proceedings to require the other party to return to their original property.
- We have been made aware, and verified, that a financial incentive has been offered to encourage one of the parties to exchange.
- An applicant is required to register with the Police under the Sex Offender Act 1997 and/or the Sexual Offences Act 2003. In such cases we will consult with the local authority registered Sex Offender Officer, the local authority, and the Scottish Prison Service.

This list is not exhaustive and each request for a mutual exchange will be considered on its own merit. Should an applicant wish to appeal against a decision to refuse a mutual exchange, this should be made within 14 days of the original decision being made. This appeal will be considered by a senior member of staff.

6.10 Exceptional circumstances

The Housing (Scotland) Act 2014 Statutory Guidance for social landlords advises that social landlords should account for a level of flexibility in their allocations policies to take account of exceptional circumstances.

This gives us the flexibility to use discretion and award a tenancy in exceptional circumstances which may be out with the usual eligibility criteria in our Allocation Policy. For example, we may award a tenancy if someone has lost their home due to a fire or other disaster or if Police Scotland or another partner have asked that someone be moved immediately due to severe harassment or other exceptional factors. As it is not possible to predict all the exceptional circumstances which may arise, the Director of Customer Services or (in the event of their absence) another member of the Executive Team will consider each case individually and have the authority to approve each request. All such cases will be reported to the Governing Board at the next available meeting.

6.11 Housing Registered Sex Offenders (RSO)

Some offenders will require accommodation, for example on release from prison or other secure units. Some may also require ongoing specialist support.

Where an applicant declares (or it is known or believed) that they are a sex offender, our designated staff will liaise with both the applicant and East Renfrewshire Council's Sex Offender Liaison Officer to ensure that a risk assessment is carried out in line with Multi Agency Public Protection Arrangements (known as MAPPA).

Should a Section 5 homelessness referral for accommodation for a registered sex offender be required to be sent by East Renfrewshire Council then, in line with the Section 5 Protocol Agreement with East Renfrewshire Council, a MAPPA risk assessment must be carried out prior to the referral being sent.

We will not make any offers of housing applicants who are known registered sex offenders without a MAPPA risk assessment being carried out. This is to ensure the safety of our customers, staff, and partners.

Any application received from or on behalf of registered sex offenders will be treated confidentially, and only relevant senior staff will have access to the application and any information provided.

6.12 Relationship breakdown

We will consider applications from applicants who are seeking rehousing because of relationship breakdown beyond reconciliation. We may ask an applicant to provide confirmation that their relationship has ended and that consequently the separated couple require separate properties. For example, this could be in the form of a solicitor's letter confirming that they have been instructed to act on behalf of the one of the parties, or a letter from both parties confirming the situation if they are not in a marriage or civil partnership. We will assess any such applications sensitively with priority points considered according to their own individual housing needs.

If a relationship breakdown occurs beyond reconciliation with a couple who are currently residing in a Barrhead Housing tenancy, advice will be given to both parties to seek legal advice on possession of the tenancy in cases where the parties cannot agree. The person who is not awarded the tenancy can apply to us separately, where we will treat their application sensitively with priority points considered according to their own individual housing needs. Before considering an offer to this person, we will consider any decision regarding the custody of dependants.

Where a relationship breakdown is a result of domestic abuse, priority will be assessed as in Section B, 1.4.10.

6.13 People experiencing or who have survived domestic abuse

People have a right to lead a life free from violence and abuse. We recognise that survivors of domestic abuse are blameless and that a home should provide safety and security.

We use the Scottish Government's definition of domestic abuse as gender-based abuse which can be perpetrated by partners or ex-partners and can include physical abuse, sexual abuse, and mental and emotional abuse.

Barrhead Housing adopts a survivor-led approach and will take reasonable steps to obtain information to support the applicant's case but would in no circumstances seek proof from the alleged perpetrator.

If it is not possible to obtain evidence of abuse or threat of violence, the applicant's expressed fears will normally be considered as sufficient evidence allowing priority to be awarded.

We will support survivors to stay in the home where this is their wish and seek to have the perpetrator to be rehoused. We will employ the use of relevant legislation where required to pursue this outcome. Full details of our approach to customers experiencing domestic abuse can be found on our separate domestic abuse policy on our website.

6.14 Harassment & abuse

We expect everyone to be able to feel safe in their home and throughout their community. We understand that many people live in fear due to harassment or abuse from others. Harassment and abuse can be verbal or physical. In some circumstances, it may also be a threat to life. Harassment and abuse may include someone being targeted due to:

- Racism
- Religious prejudice or sectarianism
- Sexual preference
- Gender identity
- People with additional needs, or mental or physical disabilities
- Sexual harassment

Where an applicant is experiencing harassment or abuse the application will be given housing need points allowing them to be re-housed quickly. Harassment is defined by the Protection from Harassment Act 1997 "as causing a person alarm or distress". A victim-centred approach will be adopted by Barrhead Housing. Where the perpetrator is a Barrhead Housing tenant, we will act against any tenancy found to have caused harassment or abuse to others. We will normally require evidence of this, including Police reports, criminal charges and/or convictions.

Applicants who are experiencing severe harassment or abuse who believe it would be unsafe to stay in their home should in the first instance speak to us to discuss their options as we may be able to offer alternative permanent accommodation to prevent homelessness. Where the need for a move is immediate, the applicant should contact the Homeless Services team at East Renfrewshire Council to seek assistance to secure safe temporary accommodation.

Applicants may also be asked to provide evidence such as Police reports, incident diaries, or supporting letters from support agencies and/or advocates. A senior member of staff will assess and where appropriate approve the award of priority points for harassment & abuse. The property of any offer of housing will normally be located away from the local area of the applicant.

6.15 Referrals from other agencies

We work closely with partners who offer specialist assistance and support to people with complex needs and circumstances not covered by other areas of this policy. This includes our partners at Women's Aid, East Renfrewshire Council, and East Renfrewshire Health and Social Care Partnership.

Where we are approached by a recognised external agency wishing to make an urgent request for housing on behalf of an individual or household, we may assist where possible. A defined quota of up to 5% of lets can be made in this category annually for those applicants who would not normally be considered as having any housing priority within our policy as they already have secure accommodation. We may undertake nomination agreements as outlined at 6.1.

6.16 Care leavers, prison leavers, those discharged from the armed forces and those discharged from hospital

We recognise the challenges in accessing our services for those who are housed out with mainstream housing options. This includes those supported within the health and social care system in supported accommodation, foster care, residential care homes, prisons, and hospitals.

We also recognise the obstacles faced by serving members of the armed forces when being discharged from their duties and returning to civilian life. We understand that accessing public services after time within the armed forces can be daunting and will offer support to apply for housing with us where required.

We will consider direct applications from such applicants or their advocates and award priority for housing where an appropriate support package is agreed to be put in place. We will normally require confirmation of an applicant's specific circumstances, such as support letters from care or health providers, military discharge papers or prison release forms.

6.17 Assignment

An assignment of tenancy occurs when a tenant intends to leave their property and transfer their tenancy rights and obligations to another qualifying person.

A Scottish Secure tenant is not allowed to assign their tenancy without first obtaining the written consent of Barrhead Housing. We will not withhold consent unreasonably. To apply to assign a tenancy a tenant should contact us to discuss the process.

For an assignation to be eligible, the following criteria must be met:

- The house must have been the tenant's only or principal home during the 12 months immediately before the tenant applies for written permission to pass their tenancy to someone else.
- The person the tenant wishes to pass their tenancy to must have lived at the property as their only or principal home for 12 months before they apply.
- The tenant, joint tenant, or person they wish to assign their tenancy to must have notified Barrhead Housing that they are living in the property. The 12-month period does not start unless we have been notified by due process that the person is living in the property.
- The rent account of the principal tenant must be up to date and there should be no outstanding housing related charges such as former tenant arrears, tenant recharges or legal fees.
- The person the tenant wishes to pass their tenancy to must be at least 16 years old.

The Housing (Scotland) Act 2001 states that a landlord may refuse a request to assign a tenancy if there are reasonable grounds to do so. Reasonableness is not defined in the Act and each request will be considered on its merits.

The following are examples of grounds for refusing an assignation request:

- A Notice of Proceedings has been served that specifies any of grounds 1 to 7.
- An order for recovery of possession has been made against the tenant.
- Consent to the assignation request would lead to overcrowding.
- Where we would not give the person to whom the tenant wishes to pass the tenancy reasonable preference under our Allocations Policy.
- Where, in our opinion, the assignation would result in the home being under occupied.
- Where we intend to carry out work to the house or building which would affect the accommodation concerned.
- Where the property has had a substantial adaptation or has design features which are not required by the assignee or their household.
- Where the scheme has been specifically designated for a particular group of tenants. For example, this could include for sheltered housing or amenity housing for people

aged 60 years or over, and the person to whom the tenant wishes to assign the tenancy does not meet the criteria.

- Where either party has given false information in relation to the assignation. Where the proposed new tenant has pursued a course of anti-social behaviour or has been convicted of using a previous tenancy for illegal or immoral purposes or has had an Anti-Social Behaviour Order granted against them or a member of their household within the last three years.
- The person the tenant wishes to pass the tenancy to has previously been evicted by Barrhead Housing.

This list is not exhaustive, and each case will be assessed individually on its merits.

We appreciate the circumstances of assignation requests can be complex. We will treat all requests sensitively and consider all information relevant to any request. Should an applicant wish to appeal against a decision to refuse a request for an assignation of a tenancy, this should be made within 28 days of the original decision being made. This appeal will be considered by a senior member of staff.

6.18 Succession

Succession to a tenancy occurs following the death of a tenant when someone already living in the property wishes to become the new tenant and they are entitled under law to do so. Only 'qualifying persons' who have lived in the property can succeed to the tenancy.

There are conditions and qualifying time periods required before a succession can be approved.

There is no qualifying period for the tenant's spouse, civil partner or joint tenant provided (in all cases) that the person's only or principal home was the house in question at the time of the tenant's death.

A person falling within the following categories are qualified persons where the house has been their only 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;
- Carers aged 16 or over who have given up a previous only or principal home.

To have the right to succeed to a tenancy after living in the house for 12 months, the "qualifying person" or the tenant must also have notified the 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 notice has been given. The tenant (or any one of joint tenants) or the person who has moved into the house are responsible for

notifying Barrhead Housing that the person has moved in. Tenants can notify us in writing by letter or e-mail and should receive written confirmation back. Without our written confirmation that we have received and approved or rejected a request, a succession will not proceed, especially as someone moving into the property may result in overcrowding where permission may be refused.

Should exceptional circumstances become apparent, then these will be considered under other provisions of our Allocations Policy.

It should be noted that succession as described above does not apply where the tenancy is a Short Scottish Secure Tenancy (SSST).

There are 3 levels of priority for qualifying successors.

Level One Successors

The highest priority to succeed to a tenancy attaches to any person who is:

- The tenant's spouse or registered civil partner who was living with the tenant when they died.
- The tenant's partner (including same sex) where the house was their only home for 12 months before the tenant died.
- Any surviving joint tenant, if the house was their only or principal home at the time of the tenant's death.

In the case of a partner or cohabitee, they must have occupied the house as their only or principal home for at least 12 months immediately prior to the tenant's death.

Barrhead Housing must have been notified of and have given consent to the proposed successor's residency in the property.

If more than one person qualifies for the tenancy as a Level One successor, they should, in the first instance, decide among themselves who will become the tenant. If they cannot agree, we will decide who will become the tenant.

Level Two Successors

If a person is qualified to succeed to the tenancy as a Level One successor and that person wants to succeed to the tenancy, no-one who is qualified to succeed as a Level Two successor may succeed to the tenancy. Level Two successors can only succeed to the tenancy if there are no Level One successors or there are Level One successors, but they do not want to succeed to the tenancy.

Level Two successors are persons who are members of the tenant's family and:

- Are aged at least 16 at the date of death **and**
- the house was their only or principal home at the date of death of the tenant **and** had been so for a period of not less than 12 months prior to the date of death of the tenant **and**

- Barrhead Housing had been notified of, and had given consent to, the proposed successor's residency in the property.

If more than one person qualifies to succeed to the tenancy at Level Two, they should, in the first instance, decide among themselves who will become the tenant. If they cannot agree, we will decide who will become the tenant.

Level Three Successors (Carers)

If no-one qualifies at Level One or Level Two, or a qualified person at Level One or Level Two does not want to succeed to the tenancy, it may be inherited by a Level Three Successor (a carer) if:

- They are aged at least 16 at the date of death **and**
- the house was their only or principal home at the date of death of the tenant **and** for a period of at least 12 months prior to the date of death of the tenant **and**
- they gave up another only or principal home before the death of the tenant **and**
- they are providing, or have provided, care for the tenant or a member of the tenant's family **and**
- Barrhead Housing had been notified of and had given consent to the proposed successor's residency in the property.

If more than one person qualifies for the tenancy under Level Three, they should, in the first instance, decide among themselves who will become the tenant. If they cannot agree, we will decide who will become the tenant.

If someone qualifies at any level to succeed to the tenancy but does not wish to become the tenant and they confirm this in writing within four weeks of the death of the tenant and leave the house within three months, then rent will be charged only for the actual period of occupation after the tenant's death.

We appreciate the circumstances of succession requests can be complex. We will treat all requests sensitively and consider all information relevant to any request. Should an applicant wish to appeal against a decision to refuse a request for succession to a tenancy, this should be made within 28 days of the original decision being made. This appeal will be considered by a senior member of staff.

6.19 Sub-letting

Barrhead Housing understands that there may be occasions when circumstances require a tenant to leave their home for a short period of time, such as undertaking temporary employment elsewhere. During that period, the tenant may wish to allow another person to sub-let the property on a temporary basis.

However, we must also ensure that our properties are not used as a commercial venture or that the sub-letting process is not used to bypass the normal housing route to let our

properties to people who would not usually be eligible for housing under our allocations policy.

Any tenant who has signed a Scottish Secure Tenancy agreement with Barrhead Housing and wishes to sub-let their tenancy must obtain written consent from us before they can sub-let all or part of their tenancy. They must also have been a tenant for at least 12 months before they may submit any request to sub-let their tenancy. We will not unreasonably withhold consent to a tenant and will issue written confirmation of our decision. If we have not responded to a request within 28 days of receipt of a tenant request, then under the Housing (Scotland) Act 2001 the applying tenant may assume consent for the application.

Under the terms of the Housing (Scotland) Act 2001 permission to sub-let is at the discretion of the landlord. The Act details reasonable grounds for refusing the request. Examples of reasons for refusal are outlined below:

- A Notice of Proceedings has been served that specifies any of grounds 1 to 7
- An order for recovery of possession has been made against the tenant.
- The rent proposed is not deemed to be reasonable by us.
- The deposit proposed is not deemed to be reasonable.
- The sub-letting would cause statutory overcrowding.
- Proposed works by the landlord that would affect the accommodation to be used by the sub-tenant, or other person living in the house because of the transaction.

This list is not exhaustive, and we reserve the right to refuse any request to sub-let a tenancy which we may consider unreasonable.

Rent levels charged and any deposit by the tenant should also be reasonable. This does not mean, however, that rents charged cannot be more than the current rent. The tenant may require charging extra. For example, this may be to cover costs of additional furniture and insurance. Each case will be assessed on its merits however if the rent levels or deposit appear excessive, we may refuse the request.

We appreciate the circumstances requests to sub-let can be varied. We will consider all information relevant to any such request. Should an applicant wish to appeal against a decision to refuse a request to sub-let a tenancy, this should be made within 28 days of the original decision being made. This appeal will be considered by a senior member of staff.

7. Reviews, Cancellations, Deferrals, Suspensions and Reinstatement

7.1 Annual Review

It is important to keep the housing list up to date and ensure that appropriate offers of housing are made so that we can best understand and address housing need in our community. To ensure this, we will review all applications at least once per year, based on the anniversary that an application was sent to us.

As part of this annual review, we will contact every applicant by mail, email, or secure message facility to check that they still require housing and to check for any changes in their circumstances or housing needs.

7.2 Cancelling applications

Applicants may only be removed from the waiting list in specific circumstances:

- The applicant is allocated a house, and confirms they wish to be removed from the waiting list by accepting an offer of housing.
- The applicant is under 16 years old.
- The death of an applicant.
- The applicant fails to respond when asked to provide more information to support their application.
- The applicant has requested removal from the register.
- Failure to respond to a request an annual review of their application.
- The applicant has refused two or more offers of housing.

We will give an applicant 28 days to respond, after which time a further reminder giving 7 days will be issued. If an applicant does not reply after this then a final letter (with 7 days to respond) will be issued advising the applicant that failure to respond immediately will result in their application being removed from the waiting list.

7.3 Deferred Applications

An applicant can ask us to defer their application if they do not want to get an offer of housing in the immediate future. Common reasons for this may include health, family, or employment circumstances.

This means that an applicant can stay on the housing list but will not get an offer of housing. It is the responsibility of the applicant to inform us when they would like to be considered for an offer of housing, however, we will contact the applicant every 6 months to confirm that their circumstances have not changed. We will not permit indefinite deferrals and will accept deferrals lasting no longer than two years from the date of the initial application, after which we will conduct a full review of an applicant's housing needs.

Deferred applicants must still respond to the annual review process, or their application will be subject to cancellation as outlined in 9.2.

7.4 Suspending Applications

Everyone has the right to have their application added to our housing list if they are aged 16 years or over. However, we can suspend an application from the list in certain circumstances.

A suspension is when a landlord decides that it will not make an applicant an offer of housing until certain circumstances have changed, conditions are met, or a set period of time has passed.

The applicant will remain on our housing list whilst suspended unless the applicant has asked to be removed from the list. When considering suspensions, there are certain legislative requirements which we need to consider:

- Housing (Scotland) Act 1987 Section 20(2)b

This legislation prevents any social landlord from suspending an application for the period from the point the applicant applied for a house to when an offer of housing can be made.

- Housing (Scotland) Act 2014

Section 6 of the 2014 Act amends the 1987 Act to introduce a new section 20b and which now gives social landlords the power to impose a suspension, in certain circumstances. However, a minimum period of suspension cannot be placed on homeless applicants by local authorities with a legal duty to secure accommodation for the applicant.

We may consider suspensions where we have evidence that, within the previous three years (or longer in exceptional circumstances), the applicant or anyone who will be living with the applicant has been subject to criteria laid out from 9.4.1 to 9.5.

7.4.1 Rent Arrears & Other Tenancy Related Debt

Where an applicant has significant and outstanding tenancy related debts and until such debts are either cleared, fall below the equivalent of one month's current rent and/or an agreement has been set up and adhered to for a period of at least 3 months.

7.4.2 Falsified Information

Where an applicant has been found to have deliberately falsified or misleading information in respect of their application. In these circumstances we may suspend an application may be suspended for a period of 6 months.

7.4.3 Anti-Social Behaviour

The applicant has:

- Acted in an anti-social 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, or:

- Pursued a course of conduct amounting to harassment or abuse of other person, or a course of conduct which is otherwise anti-social conduct in relation to such other person, or:
- Acted in an anti-social manner, or pursued a course of conduct which is anti-social conduct, in relation to an employee of Barrhead Housing while making the application.

We may consider anti-social behaviour from up to 3 years previously. Suspensions under this category will be for a maximum period of 12 months.

7.4.4 Previous Convictions

We may consider suspension of an application where the applicant has been or has resided with a person who has been convicted of using a house or allowing it to be used for immoral or illegal purposes. We will also consider suspension of an application if an offence punishable by imprisonment was committed in, or in the locality of a house occupied by the person.

We may consider convictions from up to 3 years previously. Suspensions under this category will be for a maximum period of 12 months.

7.4.5 Order for Recovery of Possession

We may consider suspension of an application where an order for recovery of possession has been made against the applicant by a court. This could apply to orders within the previous 3 years and made under Scottish Housing legislation or housing legislation for other parts of the UK. Suspensions will be to a maximum of 6 months.

7.4.6 Abandoning a Tenancy or neglecting a tenancy

We may consider suspension of an application where the applicant has previously had a property repossessed by a social landlord because the property had been abandoned, or where a court has ordered a recovery of possession due to the deterioration of the condition of the property or furniture provided for the tenant's use.

We may consider repossession from up to 3 previous years. Suspensions under this category will be to a maximum of 6 months.

7.4.7 Refusals of reasonable offers of housing

Where an applicant has refused two reasonable offers of housing, we will suspend their application for twelve months. In exceptional circumstances we may consider a third and final offer of housing. If this is refused, we will suspend the application for twelve months with no further review. We will not suspend any applicants facing domestic abuse or harassment but will engage in sensitive discussions around realistic housing options if offers of rehousing are repeatedly refused.

7.5 Other Conditions

Where an applicant declares that they are (or is known or believed to be) a sex offender, the application will be suspended until the relevant local authority has carried out a risk assessment in line with MAPPA guidance, as set out at 8.11.

Where an applicant is found guilty of theft or vandalism against one of our properties, the application will be suspended for a period of 12 months from the latest incident.

We appreciate the circumstances of the above conditions can be complex. Should an applicant wish to appeal against a decision to suspend an application, this should be made within 28 days of the original decision being made. This appeal will be considered by a senior member of staff.

7.6 Re-instatement

Applicants who have been removed from the waiting list because they did not respond to our request for information at the annual review will have the opportunity to request reinstatement within six months of the suspension. Applicants may be required to undertake another Housing Options assessment if it is believed their circumstances have changed. Any reinstated applications will be kept to the date of the original application unless another tenancy has been secured during the period of no contact.

If a tenancy has been secured, the applicant will be asked to restart our housing application process.

8. Applications from Governing Board Members, staff members or close relatives

The Housing (Scotland) Act 2010 does not restrict or prohibit the types of payments and benefits that housing associations can make to board members, staff, and relatives of staff and board members. This includes the allocation of housing.

We have adopted the SFHA's model policy on Entitlement, Payments & Benefits Policy for Governing Board members and staff.

This policy clearly defines how we will deal with applications which fall under this category and how we must demonstrate transparency, honesty and clearly ensure there is no public perception of impropriety.

Our Policy states that an offer of tenancy to anyone closely associated or related to staff or board members is permitted, subject to the following:

- It is in accordance with our published allocation policy **and**

- Neither the applicant or anyone connected to the applicant is involved in any way or in any part of the allocation process **and**
- The offer is approved by the Governing Board in advance (where the association is known) **and**
- The tenancy is recorded as an interest in the appropriate register within five days of the tenancy commencing.

9. Appeals

We aim to provide an excellent service and hope we can meet the housing needs of our customers. We recognise that sometimes things may go wrong and that an applicant may wish to appeal against a decision that has been made about their housing application.

In order to maximise the opportunity for an applicant to seek a review of their decision a separate review process is available. Appeals may arise for a variety of reasons relating to allocations such as:

- Decisions on whether an applicant should be admitted to the waiting list.
- Decisions on the points allocated following assessment of an application against our eligibility criteria.
- Suspension or removal from the waiting list.

A review can be requested by writing to or emailing our Customer Services Hub.

Responsibility for an allocation review will be delegated to a member of staff who was not involved in the decision. A senior member of staff will be responsible for this process, the results of a review will be notified to the applicant within 28 working days of the request, giving reasons for the decision.

Where an applicant remains unsatisfied with the decision made, a complaint can be made through our complaints handling procedure.

10. Complaints

If an applicant is dissatisfied with the level of service, they have received from Barrhead Housing, then they may raise this through our separate open and transparent complaints policy. A copy may be request from us and is also accessible via our website.

11. Monitoring & Performance

Performance will be measured against targets and objectives using information on outcomes from:

- Re-let periods.

- Number of allocations.
- Number of terminations and the reasons given for terminations.
- Number of offers made or refused.
- Void periods.
- Categories of applicants housed, including specific analysis of those experiencing homelessness.
- Levels of demand on waiting list and our internal transfer list.
- Section 5 referrals received.

Reports will be made by the Executive team to the relevant sub-committee of the Governing Board on a quarterly basis.

12. Responsibility

The Director of Customer Services is responsible for overseeing the allocation of housing in accordance with this policy. Allocations of housing will be made within the provisions of the relevant legislation and current sector best practice.

13. Equality and diversity

Barrhead Housing is committed to providing fair and equal treatment to all our customers. Full details of our commitment to equality and diversity can be found on our website at www.barrheadha.org.

We have applied a screening process based on the recommendations by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy, and it was decided that there is no significant and material impact assessment on any relevant protected characteristic.

Our policy works upon a points system and will allocate points based on individual circumstances, regardless of their protected characteristics to meet their met and unmet housing need. The policy also recognises that if an adapted property or property types such as amenity or sheltered housing for elderly people becomes available, that these properties will be offered to an applicant who meets the criteria for that type of accommodation. This is due to the availability of these types of properties being limited and to ensure we make the best use of our properties.

14. Policy review

The Governing Board will review the Allocations Policy at least every three years. However, improvements in performance and service delivery may be made on a regular basis to reflect change in a range of factors such as:

- Legislative changes
- Socio-economic changes

- Changing local housing market
- Heightened need and demand
- Changes in good practice within the sector
- Additional housing products available
- Organisational review
- Views of our customers
- Auditing practices
- Resource requirements

15. General Data Protection Regulations

Barrhead Housing complies with General Data Protection Regulations in respect of the Data held about our customers. Full details of our commitment to data protection can be found on our website at www.barrheadha.org

Section B

Basis of selection and allocation – the points system

The points system is designed to be flexible and intuitive to local housing needs. This helps us ensure that priority is given to those identified in most housing need and eligible for housing.

Generally, applicants with the highest point level for a property size, area and property type following assessment against our eligibility assessment will be considered for allocation in the first instance, with lower priority applicants considered in order of priority if offers of housing subsequently are refused. Where we need to prioritise other applicants, this is set out in detail in Section A.

1.1 Property Size Allocated

Normally properties will be allocated based on the size of accommodation, required as follows:

- 1 Living room for each household (except for studio properties)
- A bedroom for each couple or persons living as a couple. In some circumstances, we may consider that an additional bedroom may be offered if there is an identified need, such health conditions or there is an arrangement shared custody of children who live elsewhere.
- An additional bedroom for the first child within the permanent household.
- A further bedroom for each child 10 years and over if different gender within the permanent household.
- One bedroom for each pair of children up to 16 years of same gender within the permanent household. Where there is a significant age difference between children of the same gender sharing a bedroom (i.e., teenage sibling sharing with a younger sibling), we may consider an allocation of an additional bedroom to reflect the difficulties of children with a significant age difference sharing.
- A bedroom for each remaining adult member or couple within the permanent household

Demand for larger, family-sized properties exceeds supply in most of our areas. This makes it necessary, on occasion to consider applicants for smaller houses than specified in our eligibility criteria. In these cases, we will allow applicants to apply for a smaller property than their identified needs. These offers will be made where it improves an applicant's current overcrowding to no more than one bedroom and does not result in statutory overcrowding.

1.2 Reasons for Additional Bedrooms

We understand that there may be a range of differing circumstances which can affect the number of bedrooms than an applicant requires.

1.2.1 Downsizing / under-occupation

Under-occupation in social rented housing is most likely to occur when someone with children has originally been allocated a larger home and their children have grown up and left home. This generally means that under-occupying tenants are likely to be older. These tenants may wish to downsize to a smaller property but may not be interested in pursuing this option under our usual allocation eligibility criteria, particularly if any proposed move is to a different type of property.

We have a high demand for these large family homes but there continues to be low turnover of this type of stock. We also recognise that downsizing may not be attractive for households in larger properties, particularly where the 'spare' bedrooms are in regular use by visitors such as grandchildren or carers.

Applicants within this category are already allocated reasonable preference priority for under-occupation. We will consider these applicants in larger properties to be awarded with an additional bedroom to their assessed housing needs. This exception will apply to applicants from Barrhead Housing and other registered social landlords, to help address under-occupation and make the most efficient use of socially rented stock.

1.2.2 Health, care, or mobility needs

If there is a health, care or mobility need for needing an additional bedroom, which may include, for example, a carer (or team of carers) that provides someone within in the household with overnight care, or if a long-term condition makes it difficult for a couple to share a room. This bedroom requirement would be used to assess any priority based on overcrowding.

1.2.3 Kinship care for a child / shared custody or access arrangements

Parents, guardians and kinship carers with formal residency rights and overnight contact orders, or overnight access arrangements that are shared, a child may be eligible for a bedroom within each home in accordance with our bedroom eligibility criteria. For example, this could be where a child stays overnight an average of at least 3 nights a week at each home.

Where a child or children stay less than an average of 3 nights a week at the home, one additional bedroom may be provided. This will be irrespective of the number of children for whom the home will not be their principal home. This bedroom would not be considered when assessing any priority based on overcrowding. Confirmation of access to children should be provided. This confirmation may be from a Court custody agreement or written agreement between parents, guardians, or kinship carers.

In exceptional circumstances we may exercise discretion in deciding upon the size of a home a household requires.

1.3 Housing allocation groups

Our main housing allocation groups are considered within the allocation policy. Quotas set against these groups are set out in Appendix 2 of this Policy.

These groups are as follows:

1. **General Waiting List** – including applicants with additional housing needs due to health conditions.
2. **Transfer List** – including applicants with additional housing needs due to health conditions.
3. **Section 5 Referrals** from East Renfrewshire Council
4. **Referrals from other partners** for applicants with unmet housing needs

1.4 Allocation of Points

The priority that applicants receive will depend on a range of factors as follows:

- Levels and types of housing available for let
- The applicant's met and unmet housing need
- The applicant's preferences
- Priority given to the various housing allocation groups

It is also important to note that applicants will not be offered housing where housing is not suitable to their needs.

1.4.1 People who are homeless and those threatened with homelessness

Part II of the 1987 Act defines a homeless person if they have no accommodation, or if they have accommodation, but it would not be reasonable for them to occupy it in certain circumstances.

An applicant to Barrhead Housing will be treated as homeless in the following situations:

- Where the applicant has been assessed as unintentionally homeless
- Where the applicant has been assessed as threatened with homelessness within two months

The above categories include relationship breakdown, harassment, or abuse due to actual or threatened violence and abuse.

Applicants in this group assessed by a relevant local authority will be awarded 100 points.

1.4.2 Insecure Housing

Applicants may be awarded points if they do not have secure accommodation but have not applied through the statutory homeless route or have not yet been accepted as unintentionally or threatened with homelessness but are likely to become homeless within 3 months.

Priority points will be given if the applicant is not responsible for their accommodation being at risk.

- Where applicant has no fixed abode.
- Where an applicant has been served a Notice to Quit by their private sector landlord or where their accommodation is linked to their employment (tied housing), and they have been served a Notice to Quit.
- Where the applicant has housing but cannot access it.
- Where it is not reasonable for the applicant to reside in their present house.
- Relationship breakdown where the applicant is unable to reside in their present accommodation due to the relationship breaking down beyond reconciliation.
- Where a property is being repossessed, with a date set for repossession by their mortgage provider.

Applicants in this group will be awarded 75 points.

1.4.3 Insecurity of Tenure

Applicants who are seeking rehousing with no date to leave:

- A lodger.
- Living in a 'care-of' address, such as that of a friend or another member of their extended family. This will apply to all tenures.
- Applicants who live in a caravan.
- Tied housing, linked to their employment.
- Those whose tenancy is a short assured tenancy.

Applicants in this group will be awarded 25 Points.

The above list is not exhaustive. Each case should be assessed on its own merits and in conjunction with this policy.

1.4.4 Occupying housing that is below the tolerable standard

The tolerable standards are defined by Section 86 of the 1987 Act and amended by section 102 of the 2001 Act, and section 11 of the Housing (Scotland) Act 2006.

The tolerable standard is the legal standard that all houses must meet. East Renfrewshire Council is obliged to ensure that houses below this standard are either brought up to it or closed or demolished.

A house will be below the tolerable standard if any of the following factors apply:

- If the house is not structurally stable.
- If the house is not substantially free from rising or penetrating damp. This does not include properties where the presence damp and/or mould are due to condensation.
- If the house has no satisfactory provision for natural and artificial lighting, for ventilation and for heating.
- If the house does not have satisfactory thermal insulation.
 - If the house has no adequate piped supply of wholesome water available within the house.
 - If the house has no sink provided with a satisfactory supply of both hot and cold water within the house.
 - If the house has no toilet available for the exclusive use of the occupants that is suitably located in the house.
 - If the house does not have a fixed bath or shower and a wash-hand basin provided with satisfactory supply of both hot and cold water suitably located within the house.
 - If the house has no effective drainage system for disposal of foul and surface water.
 - If, in the case of a house having a supply of electricity, does not comply with the relevant requirements in relation to the electrical installations for the purposes of that supply.
 - If the house has no satisfactory facilities for the cooking of food within the house.
 - If the house has no satisfactory access to all external doors and outbuildings.

Any applicant whose house is below the tolerable standard will be awarded 75 points.

1.4.5 Living in unsatisfactory housing conditions

There are a variety of factors that make housing conditions unsatisfactory. The following are considered unsatisfactory within this policy.

Sharing Amenities

This arises when different households live together and share the use of facilities. A household is defined as any persons who want to live together. An applicant who is in the process of separating from their spouse or partner will be awarded sharing points. An applicant who is not an owner occupier or a tenant who shares amenities with another household of any tenure will be awarded points as follows 20 points.

Defects

Defects are conditions within a property that require repair. Priority will be given whilst these defects remain unaddressed by a private sector landlord or a registered social landlord. Priority will not be given to owner occupiers. We will award 5 points per defect outlined below.

- Condensation dampness.
- Rot (wet or dry).

- Inadequate heating.
- Old wiring.

1.4.6 Demolition

Where a property has been identified as due for demolition within 6 months of the application, we will award 100 priority points. This will apply to all tenants in the social or private rented sector where a landlord has not made a reasonable offer of rehousing. Owner occupiers should contact their local authority for advice in these circumstances.

1.4.7 Additional housing needs – health conditions

We recognise that physical and mental health conditions can be exacerbated by poor housing that often it is necessary to seek alternative housing to alleviate the effects of these health conditions. We include permanent physical or mental health disabilities within our definition of physical and mental health conditions.

Priority points are awarded when an applicant's accommodation is unsuitable for their housing needs because of the applicant's health condition(s). For example, where a person who is unable to manage stairs in an indoor or outdoor environment because of a serious cardiovascular problem.

Applicants who believe their housing is unsuitable for health reasons and that alternative housing would alleviate some of the effects of their condition should complete an Additional Housing Needs Self-Assessment Application Form.

There are three categories for which points will be awarded:

'Red' – Critical health condition:

Where the applicant's current accommodation is wholly unsuitable due to the applicant experiencing severe physical or mental health conditions or disabilities **and** is either unable (or virtually unable) to leave their home **and** where the other accommodation would alleviate some or all of the effects of a health condition, we will award 'red' status and 50 points.

'Amber' – Urgent health condition:

Where the applicant's current accommodation exacerbates the applicant's physical or mental health conditions or disabilities **and** where the other accommodation would alleviate some or all the effects of a health condition, we will award 'amber' status and 30 points.

'Green' – non-urgent health condition:

We recognise that many people live every day with ongoing health conditions but can go about their daily lives with moderate to little assistance with managing their conditions. In these circumstances a move to a different property would be unlikely to alleviate any of the effects of physical or mental health conditions or disabilities. However, we also recognise that

these needs may change over time. While do not award any points for any applicants in these circumstances, we will record their health needs as a 'green' status and review the award of priority points should we receive further information.

Please note, where an applicant was awarded 10 points for 'Medical C' priority under our previous allocations policy, we will honour this award until a reasonable offer of housing is made to the applicant.

1.4.8 Overcrowding

Households living in overcrowding circumstances will have an insufficient number of bedrooms in their accommodation to meet their needs (excluding those in temporary or supported accommodation, and owner occupiers). We will award 10 points for each additional bedroom required for those living in the property of a private rented sector landlord or registered social landlord. We will not award priority points for overcrowding to the applicants of separate households who have chosen to live in a property together.

1.4.9 Under-occupation

To comply with the objective of making the best use of our housing stock, we will encourage applicants living under-occupying accommodation intended for larger families to transfer to smaller properties. Further details of this are set out in Section 8 of Section A of this policy.

Applicants under-occupying will have more bedrooms in their home than is required for the needs of their household. We will award 25 points for each bedroom that is under-occupied in a property where there is a Scottish Secure Tenancy. We will not award any under-occupancy priority points to those with a private residential tenancy agreement or who are owner-occupiers.

1.4.10 Harassment, abuse, & domestic abuse

We have defined our approach to harassment, abuse, and domestic abuse within this policy under Section 6.12 to 6.14 of Section A of this policy.

Applicants who are experiencing harassment, abuse or domestic abuse and believed it to be immediately unsafe to remain in their home should in the first instance make a homeless presentation to East Renfrewshire Council to seek safe temporary accommodation. Where this is not possible, we will consider the circumstances and award priority points based upon the information available to us. We will normally offer accommodation away from the applicant's local area. Given the urgency of these circumstances, we would normally expect the applicant to accept any reasonable offer of housing. We will undertake further sympathetic discussions with any applicant in these circumstances if they refuse an initial reasonable offer of housing.

Where an applicant is experiencing harassment & abuse, we will award 50 points. Where an applicant is experiencing domestic abuse, we will award 100 points.

A senior member of staff will review and approve the award of points under these categories.

1.4.11 Exceptional circumstances

We appreciate that everyone's circumstances are different, and that no allocations policy could expect to anticipate every possible requirement of housing need. Where the policy fails to adequately assess an applicant's housing need, and where there is an urgent need for rehousing, a member of the Barrhead Housing Executive team may agree to an award of 75 housing priority points for a single reasonable offer of housing. Priority points will only be awarded after all circumstances have been fully reviewed, and supporting information considered, where appropriate.

1.4.12 Support & local environment

Support

This is where an applicant needs to give or receive day to day support and requires remaining within or move to East Renfrewshire. Where an applicant needs to give or receive support, they will be eligible for these priority points.

These points will only be given where we are satisfied that the support given or received is required and where appropriate confirmation is received to support the request. Information must be provided to support this, and the applicant should be moving nearer to the source of or need for support.

Examples of where we might award priority points for support include:

- Where the applicant or person they wish to move nearer to has health conditions which require further support.
- Where the applicant or the person they wish to move nearer to requires support with childcare arrangements to allow them to undertake employment.
- Where the applicant needs to be rehoused in an area to access specialist support.

We will award a maximum of 5 points in these circumstances.

Environmental Factors

Where an applicant is having trouble in travelling to work or accessing essential amenities within East Renfrewshire, we may consider awarding priority points. This may be due to excessive financial costs, distance to the essential amenity from their current home, or difficulty with transport. Applicants should provide supporting information to help us assess eligibility for environmental factors.

We will award a maximum of 5 points in these circumstances, up to a maximum of 10 points for support needs and environmental factors together.

1.4.13 Care leavers, prison leavers, those discharged from the armed forces and those discharged from hospital

Where an applicant is leaving or continues to be supported by the care system; is leaving custody from prison or another secure unit; leaving the armed forces to return to civilian life; or being discharged from hospital, we will consider direct applications from such applicants or their advocates and award priority for housing where an appropriate support package is agreed to be put in place (if supports are required). We will normally require confirmation of an applicant's specific circumstances, such as support letters from social care or health providers, military discharge papers or prison release forms. In these circumstances we will award 75 points.

1.4.14 Date of Application

Applications are assessed for priority points solely on their housing needs. Time on the list does not therefore result in any award of priority points.

Time on the list is only used when deciding priority where two or more applicants have the same priority points total. In such cases the applicant with the earliest date of application will receive priority.

Appendix 1 – review of priority points

Category	Previous policy	New policy
Homeless	100	100
Insecure housing	50	75
Insecurity of tenure	10	25
Below tolerable standard	50	75
Sharing amenities	20	20
Property Conditions: Living in unsatisfactory housing conditions	5	5
Demolition	50	100
'Red' Additional Housing Needs (Critical Health Condition) – previously 'Medical A'	50	50
'Amber' Additional Housing Needs (Urgent Health Condition) – previously 'Medical B'	30	30
'Green' Additional Housing Needs (Non-urgent Health Condition) – previously 'Medical C'	10	0
Overcrowding (one bedroom)	10	10
Overcrowding (two or more bedrooms) – per additional bedroom	20	10
Under-occupation (per bedroom required)	20	25
Domestic abuse	50	100
Harassment and abuse	50	50
Exceptional circumstances	50	75
Support	15	5
Environmental Factor	15	5
Care leavers, prison leavers, those discharged from the armed forces and those discharged from hospital	50	75
Date of application	0	0

Appendix 2- Waiting List Quotas

(To be reviewed annually by Governing Board of Barrhead Housing)

Allocations Quotas – 2024 / 2025: Re-lets	
Applicant Groups	Agreed Quota
1. General Waiting List – including applicants with additional housing needs due to health conditions	35%
2. Transfer List – including existing tenants with additional housing needs due to health conditions	10%
3. Section 5 Referrals from East Renfrewshire Council	50%
4. Referrals from other partners for applicants with unmet housing needs	Up to 5%

Where referrals from other partners (group 4) are not forthcoming, the remaining available quota will be allocated to the transfer list (group 2).

Allocations Quotas - 2024 / 2025: New build developments / acquisitions	
Applicant Groups	Agreed Quota
1. General Waiting List – including applicants with additional housing needs due to health conditions	40%
2. Transfer List – including existing tenants with additional housing needs due to health conditions	20%
3. Section 5 Referrals from East Renfrewshire Council	40%
4. Referrals from other partners for applicants with unmet housing needs	0%

Appendix 3 - Equality Impact Assessment screening

EQUALITY IMPACT ASSESSMENT INITIAL SCREENING QUESTIONNAIRE

EQUALITY IMPACT ASSESSMENT INITIAL SCREENING QUESTIONNAIRE	
Name of policy / project	Allocations Policy and Housing Options
Officer Undertaking Screening	Colin McCulloch (DCS)
Initial assessment	
Please provide a description of the new or existing policy / project relevant to this EIA, including its aim, purpose, and key activities	A review of the existing allocation policy to better met current housing needs. This project is also redeveloping our housing options process to better meet the needs of our customers in an increasingly digital and choice-led age. This project outputs will be a new policy and a revised housing options process for our customers to seek housing advice and apply for housing.
Who is affected by the new or existing policy / project relevant to this EIA? (for example, staff, potential staff, customers, wider public etc)	Staff, Board, customers, partners and wider public.

Have those who may be affected by the new policy / project been involved in its development?	Yes	No	Comments:
	Yes		
What consultation and engagement method(s) did you use?	Consultation was carried out using CX survey and Microsoft Forms. Feedback was also sought from staff in team meetings on the strengths and weaknesses of the current policy and processes.		

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Data we hold

In relation to this new policy / project, do you currently hold statistics or data in relation to the following protected characteristics?

Characteristics	Yes	No	If yes – state statistics we hold If no – do you need to do additional research to gather statistics?
Age	Yes		Applicants and their household
Disability	Yes		Applicants and their household
Sex	Yes		Applicants and their household
Gender Identity/ Gender re- assignment		No	We collect information on sex, but not gender identity
Marriage & Civil Partnership	Yes		Applicants and their household
Pregnancy & Maternity	Yes		Applicants and their household

Race / ethnicity	Yes		Applicants and their household
Religion or belief, including lack of belief		No	
Sexual Orientation		No	
Carer Status		No	
Tu or Political membership		No	
Criminal Record	Yes		Only when disclosed by applicant in relation to sexual offences
Place of residence	Yes		Applicants and their household
Health status	Yes		Applicants and their household

What other evidence have you considered?

For example, consultation or discussion with colleagues or other relevant stakeholders, review of evidence or national/local statistics etc. Consider reference to existing equalities survey data, census data and East Renfrewshire Council level data (Mainstreaming Equality). See here for most recent data:

We have consulted extensively with stakeholders, taking on board their feedback. We have also explored best practice guides from the Scottish Government on allocations, have researched policies and journeys of peer organisations and looked at current housing need trends in Scotland. We have attempted to design a policy which ensures equitable access to housing options for all, so that their needs are met.

[Equality, diversity, and human rights - East Renfrewshire Council](#)

Accessibility

What method of communication of the policy or practice shall be involved? For example, is it online written correspondence, email, printed information (e.g. leaflets / posters)

Online, on paper and in some instances by telephone / in-person.

If you will be providing written correspondence, is there the ability to provide the information in other formats and is that notified to the user?

Yes, alternative formats are available and this is highlighted to customers at the start of the process and policy.

If there will be physical attendance, is the venue accessible or can the venue be made accessible? Please provide details

Our office is accessible to those who are disabled.

If the use of electronic communications is proposed, is there an alternative means of access for those without access to electronic devices? Please provide details

We can provide the policy in paper or braille form (on request). The housing options journey can also be undertaken with staff and/or advocate support in an offline setting.

Protected characteristics and other characteristics

On the basis of the evidence that you have, or any other information that you have gathered , or are aware of, as detailed above - does or could the policy / project have a positive or negative effect on members of any diverse groups? The following table will assist you to indicate:

1. Where the policy / project does or could have a negative impact on a particular group, i.e. it could cause some disadvantage or potentially be discriminatory.
2. Where the policy / project does or could have a positive impact on any diverse group, i.e. promoting good relations between different groups.
3. Where the policy / project is not relevant to any potential impact in respect of equality.


Group	Neutral Impact	Positive Impact	Negative Impact	Reasons/Comments for any impact identified	Is there any mitigation or remediation that can be put in place
Age	Yes				N/A
Disability or health		Yes		Additional health needs category replaces 'medical' which did not give full consideration of mental health conditions.	
Sex		Yes		We have improved our approach to assisting the survivors of domestic abuse and violence. We have also offered flexibility with the allocation of bedrooms to children of a different age and/or sex.	
Gender Identity/ reassignment	Yes				N/A
Marriage & Civil Partnership	Yes				N/A
Pregnancy & Maternity	Yes				N/A
Race ethnicity	Yes				N/A
Religion or belief	Yes				N/A

Sexual Orientation	Yes				N/A
TU or Political	Yes				N/A
Criminal record	Yes				N/A
Place of residence	Yes				None required

In relation to each group above, are there any areas where you are unsure about the impact and more information is needed to clarify?	Yes	No	
		No	
How are you going to gather this information to provide clarification?			N/A

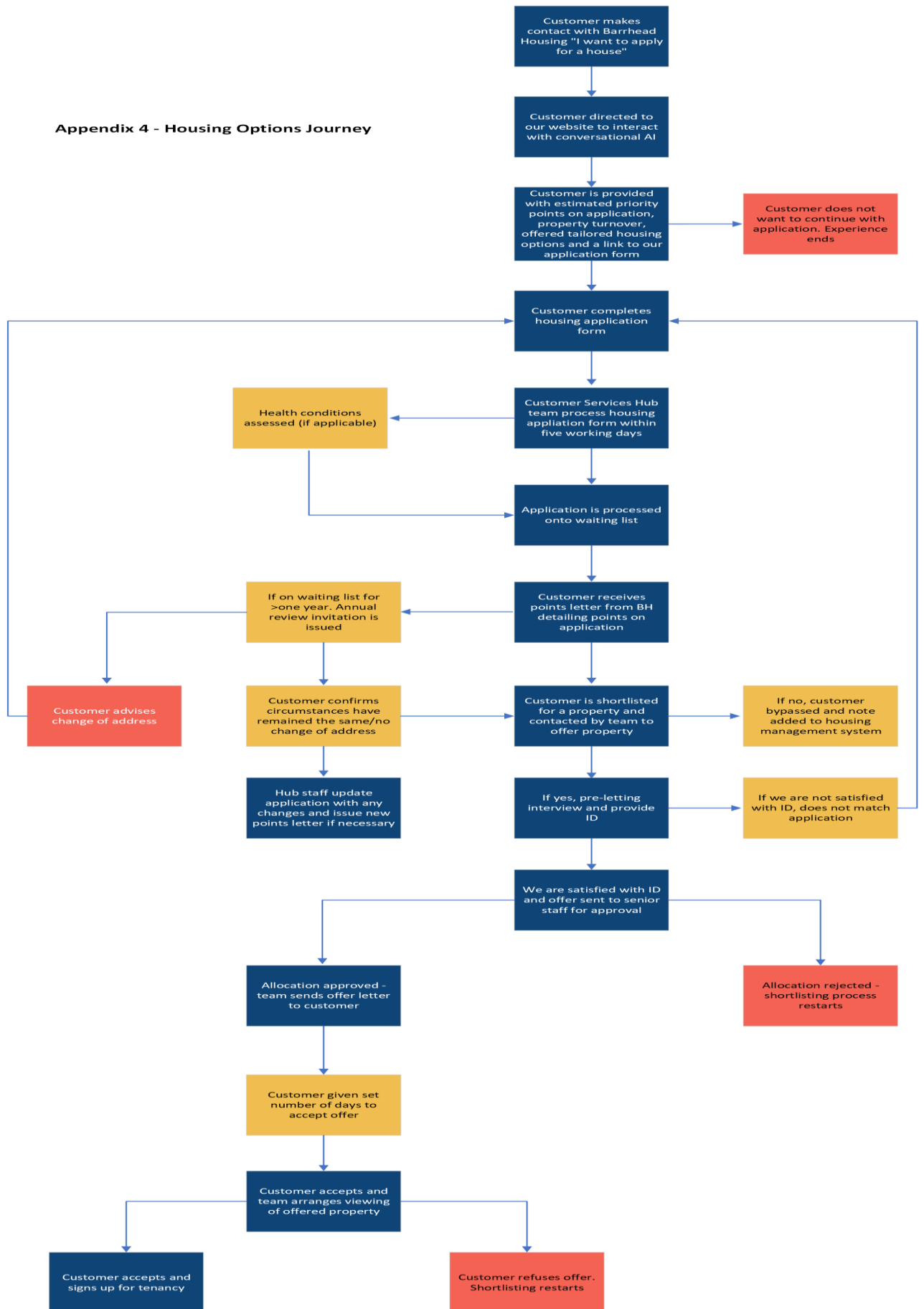
Following completion of the above Initial Assessment, is further scrutiny of the Equality and Diversity impact required? Have you identified any issues that you consider could have an adverse (negative) impact on any of the characteristics?	
Yes	No
	No

Part 5 – Sign off and Approval
Proposed Action For instance, no further action required / need to complete full impact assessment etc..... No further action required.

Signature: 		
Date screening added to Website Equalities page	TBC once policy approved	
Date screening signed off :	30 November 2023	

Final Draft

Appendix 4 - Housing Options Journey



Appendix 5 - Section 5 Protocol - current

Please note this protocol is due for review upon approval of new Barrhead Housing allocations policy

SECTION 5 PROTOCOL BETWEEN EAST RENFREWSHIRE COUNCIL (ERC) AND BARRHEAD HOUSING ASSOCIATION (BHA)

1. Purpose

1. This protocol seeks to ensure the smooth and effective operation of the legislative duty upon Registered Social Landlords (RSLs) to comply with requests from the local authority to rehouse homeless people, in accordance with Section 5 of the Housing (Scotland) Act 2001. The terms of this legislation, and any guidance or regulations issued by Ministers in accordance with it, take precedence over the terms of the Protocol.
2. The purpose of this protocol is to outline the specific arrangements agreed between ERC and BHA governing the use of Section 5 of the Housing (Scotland) Act 2001. This Protocol has been developed to demonstrate the commitment of both organisations to addressing homelessness and to operating the referral process in a fair and non-discriminatory fashion.
3. This protocol is in line with sections 5 & 6 of the Housing (Scotland) Act 2001, the Housing (Scotland) Act 2001 (Appointment of Arbiter) Order 2002 and with the guidance on "good reason" issued by the Scottish Government in September 2002.
4. This Protocol also takes account of the spirit of:
 - the SFHA/COSLA model protocol and guidance on section 5¹ (which is now out of date)
 - the findings of the Scottish Government Review of Section 5.²

2. Liaison Arrangements

1. The two organisations each have a named officer with day to day responsibility and authority for dealing with homeless referrals.
2. The named officer for East Renfrewshire Council is Lorraine Baxter, Senior Officer, Housing Options.

In the absence of the above named officer, the contact will be Eddie Gray, Lead Officer, Housing Advice & Support.

3. The named officer for Barrhead Housing Association is Kim Quinn. In the absence of Kim Quinn the contact will be Colin McCulloch.

4. The two named officers will meet on a quarterly basis to review how the protocol is being operated.

3. Stock information

1. BHA will provide East Renfrewshire Council with full annually updated information on stock numbers, property sizes and actual historical turnover rates. This will include information on the number and type of sheltered,

adapted and amenity stock. This information will be used to inform the number and type of referrals made by the Council and will also inform the Local Housing Strategy.

4. Tenancy Information

1. Where the Council is making a homelessness assessment on someone who has had a previous tenancy with BHA, the Association will co-operate fully in supplying tenancy information, in so far as the required information is available. However, if the Section 5 referrer has previously been evicted by BHA then there is no expectation that BHA will rehouse them.
2. In making a referral to Barrhead Housing Association, the Council will provide any information which it holds relevant to the person's ability to sustain a tenancy.
3. The timescale for each party to supply the required tenancy information is 3 working days from the receipt of the request. BHA will supply all Section 5 referrals by a Monday allowing the request to be considered at the homeless meeting on a Tuesday.

5. Target Quota

1. BHA has agreed that it will allocate 40% of all re-lets and 25% of all new build to homeless households who are entitled to an offer of permanent accommodation. This is a target and the quarterly audit process will determine whether this is realistic. The target will be reviewed by ERC in collaboration with BHA.
2. The target quota agreement will assist BHA in planning how its vacancies will be let. It will assist the Council in managing how it meets its statutory duty to those who are entitled to permanent accommodation between its own stock and the stock made available by RSLs in the area.
3. The target quota is not intended to be a rigid figure and could be exceeded. Reaching the target quota is not a ground for refusing a referral request. Neither the 2001 Act nor any guidance issued or regulations made by Ministers under Sections 5 or 6 of the Act enable an RSL to refuse a request on the grounds that the quota has been reached.

6. Referral Procedures

1. The referral process will be a blend of applicant-led and vacancy-led approaches. Whilst East Renfrewshire Council operate a Choice Based Letting system, if an applicant is nominated to BHA then they will not be able to continue to bid for advertised properties at the same time under this Protocol.
2. Each month, ERC will provide BHA with a summary of the current live homeless cases in terms of:
 - Size of household;
 - Area preference.

No names will be provided at this stage. ERC can provide annual trend data if required.

3. When BHA know that a tenancy is being terminated BHA will provide details (address, flat position where relevant, size, type of heating, whether sheltered/adapted/amenity, any accessibility issues) of properties that they wish to seek a Section 5 referral for. BHA will indicate at this point whether they consider the property to be a sensitive let and provide an explanation as to why this is the case, referring to the list of reasons provided in the proforma.

4. ERC will provide a Section 5 homeless case within one working day of the next available homeless selection meeting, for each of the properties in the weekly list. ERC will take account of the area preferences of each homeless case in identifying the cases unless the case has been on the homeless list for more than three months. Subject to compliance with the General Data Protection Regulation, ERC will provide as much information on each case as possible (homeless reason, relevant details of previous tenancy history, any assessed housing support or care needs, details of the actual packages of housing support already in place, any other relevant information). All of this information will be provided by email to the BHA named contact, copied to the BHA second named contact.

5. BHA will confirm receipt of the ERC email immediately or in any event within one working day of receipt.

6. BHA agree to assess each case in homelessness date order, except where a case falls into the sensitive letting criteria outlined in Annex C to this Protocol.

7. BHA agrees to respond formally by email to the referral for each property within five days of receipt of the ERC email. Prior to responding formally, BHA may contact ERC or the applicant for further information or to provide information to ERC. This does not change the BHA five day response deadlines, unless the two parties agree a revised response deadline. In some (probably exceptional) circumstances this provision/ exchange of information may lead to ERC withdrawing the cases referred for a particular property.

8. The BHA response will be one of the following:

- Situation A: BHA indicates that it will make an offer to the referred applicant put forward for each property and completes the proforma to indicate this, including the reasons for bypassing any of the date order cases;
- Situation B: BHA indicates it has good reason not to comply on one or more of the properties and indicates reason(s) on the proforma.

9. In Situation A, ERC will confirm within one working day the following, for each of the properties:

- That both parties are in agreement to the offer being made to the case indicated for each property: or
- That ERC wishes to discuss in more detail why specific cases have been bypassed before agreeing to an offer being made for a property.
- If there is no response by the applicant then this will be treated as a refusal and reported back to ERC.

10. Where both parties have agreed that they are content for an offer to be made, BHA will contact the household to make arrangements for viewing as soon as practicable. The offer and the opportunity to view should be made by phone as well as other means, e.g. email, post, to minimise the length of time and will normally remain open for five days from the date of issue. An extension may be granted but only after an assessment of the particular reasons and circumstances.

11. BHA will give each household 24 hours after viewing to refuse or accept the offer.
12. BHA will communicate the outcome of each offer within one working day of receipt of the household's decision. Where the household has accepted, BHA will confirm to ERC the agreed date of allocation.
13. Where the household has not accepted the offer, BHA will advise ERC accordingly. ERC will then assess whether the offer is reasonable for the applicant to accept. If the reason for refusal, e.g. condition of property, can be addressed by some remedial action, ERC will check with BHA whether the work can be carried out. Irrespective of whether ERC concludes that the offer is reasonable or unreasonable, it will not count as an offer unless ERC deems it is a direct match.³ If it is deemed to be a direct match and is refused, ERC will advise the applicant about the implications of refusing it and the right to appeal the offer. Applicants will have up to twenty-one days to appeal an offer and depending on the evidence required, the appeal may take several weeks to conclude.
14. If BHA cannot hold the property and the applicant's appeal against the "direct match" is successful, the applicant will be entitled to another offer, either from ERC directly or via this Protocol, dependent on the terms of the appeal.
15. If BHA cannot hold the property and the applicant's appeal is unsuccessful, there will be no further offer.
16. For monitoring purposes, BHA will be recorded as having complied with the referral request if the offer was sanctioned by ERC but refused by the household.
17. In Situation B (see para. 6.8 above), ERC will consider the reason(s) for non-compliance, which must be in line with the Ministerial guidance outlined in Annex A. ERC will respond to BHA.
18. ERC's options are:
 - within the five day period, to contact BHA to discuss the BHA response; this could lead to BHA agreeing to reconsider the referral request;
 - To withdraw the referral request (this may or may not be after informal discussion with BHA);
 - To indicate commencement of a period of five working days within which the parties must reach agreement or submit to arbitration (this will arise only where informal discussions between the parties have ended in stalemate).

7. Arbitration

1. In line with the provisions of section 6(1)(c) of the Housing (Scotland) Act 2001, if ERC and BHA are unable to reach agreement within 5 working days⁴ as to whether there is a good reason for not complying with a Section 5 request, then an arbiter must be appointed to determine the issue. Both ERC and BHA agree to the appointment of an arbiter who will have the final say in the event of disputes arising from BHA's refusal to comply with a request from the Council to rehouse a homeless household without "good reason".⁵ An appropriate arbiter will be identified by ERC in collaboration with BHA with assistance from the Chartered Institute of Arbitrators (CI Arb) (Scottish Branch).⁶ ERC and BHA will share the cost of the CI Arb fee for their assistance in identifying an appropriate arbiter.⁷

8. Tracking and Monitoring of Referrals

1. BHA will immediately (within one working day) notify ERC of the outcome of both successful referrals, refused offers or no responses by email to the named ERC contact and copied to the second named ERC contact.
2. On a quarterly basis, BHA will forward to ERC a standard format report summarising both for the period in question, and cumulatively, for the year so far:
 - the total number of properties put forward for Section 5 referrals and their outcomes
 - the total number of homeless cases put forward by ERC and the outcome of BHA consideration
 - data on the overall number of lets by BHA, by source category (e.g. own waiting list, transfers, nominations, homeless referrals etc)
3. On a quarterly basis, ERC will forward to BHA a standard format report summarising both for the period in question, and cumulatively, for the year so far:
 - the total number of homeless cases who accepted permanent accommodation, by area;
 - an analysis of homeless cases put forward to BHA and their outcome.
4. This data will enable all parties to monitor against the targets/quotas agreed within the Protocol.

9. Review of Operation of Protocol

1. ERC and BHA will meet every quarter to discuss the operation of the Protocol and any issues relating to the performance of ERC and BHA staff responsible for operating it.
2. If issues arise that require discussion between the quarterly meetings, these should be raised by the respective first named contact with the other first named contact.

10. Signatories

Tracy Lindsay (ERC)

Colin McCulloch (BHA)

Annexes

Annex A: Scottish Government Guidance on Good Reason September 2002
Annex B: Data Sharing Agreement
Annex C: Sensitive letting criteria

Annex A: Scottish Government Guidance on Good Reason (September 2002)
HOUSING (SCOTLAND) ACT 2001
HOMELESSNESS
SECTION 5: GUIDANCE ON GOOD REASON

Background

1. The Housing (Scotland) Act 2001, Part 1 of which built on the recommendations of the Homelessness Task Force, sets out in Section 5 that a local authority may request a RSL in its area to provide housing for a homeless person, and specifically in Section 5(3) that “A registered social landlord must, within a reasonable period, comply with such a request unless it has a good reason for not doing so.”
2. Section 5(7)(a) enables Scottish Ministers to issue guidance as to what constitutes a reasonable period and a good reason for the purposes of s.5 (3). Section 6(1)(c) gives Ministers the power to specify a time period for a local authority and registered social landlord to agree whether there is a good reason for non-compliance before arbitration is triggered.
3. Section 79 enables Ministers to issue guidance to local authorities and RSLs on provision of housing accommodation and related services, including the prevention and alleviation of homelessness. Under section 79(7), in considering whether action needs to be taken to secure the proper management of the provision of housing accommodation and related services by a local authority or a registered social landlord, the Scottish Ministers may have regard to the extent to which any guidance under Part 1 of the 2001 Act, section 37 of the Housing (Scotland) Act 1987 or section 79 of the 2001 Act has been followed.

Reasonable period within which to comply

4. Compliance with a local authority request to provide accommodation under section 5 of the 2001 Act requires the provision of accommodation secured by a Scottish secure tenancy, (or in cases of anti-social behaviour a short Scottish secure tenancy), unless an express request for other accommodation has been made by the local authority.
5. It is difficult to be prescriptive about timescales for compliance. Imposition of a short timescale could lead to hurried re-housing, in order to meet the timetable, without a full assessment of the applicant’s needs and consideration of how these can best be met. However setting a long time period could result in that period becoming the norm and could unnecessarily lengthen the period within which a homelessness person is housed. It would

also be the minimum length of time which would have to pass before arbitration could be triggered.

6. The key objective must be to minimise the time spent by applicants in temporary accommodation whilst at the same time properly assessing their needs and identifying appropriate solutions. These solutions should take account of the identified needs and the availability of suitable accommodation. The priority is to ensure that the applicant is housed **appropriately** and as **speedily as practicable**.

*Where a request is made to an RSL to house a homeless applicant it is expected that the RSL should comply by providing accommodation within **6 weeks** unless it offers a good reason for not doing so.*

7. As a matter of good practice, an RSL should respond to a request from a local authority as quickly as possible. This is particularly important where an RSL considers it will not be in a position to comply with a request; in such circumstances it should aim to respond to the authority immediately, setting out the grounds for non-compliance. Guidance on good reason for non-compliance, set out below, deals with circumstances where the RSL is able to comply but is unable to do so within a 6-week period.

Principles underpinning requests

8. Any request made by a local authority should be made within the context of existing statutory requirements. These include that

- the local authority should have had regard to the availability of appropriate accommodation in its area.
- the accommodation to be secured should be reasonable in terms of the 1987 Act and take account of any special needs of the applicant.
- the authority should have had regard to the Code of Guidance and any other relevant

Guidance in making its request.

In addition the local authority should take account of any written agreements or protocols between it and the RSL (the terms of which should not be contrary to any legal provision). A model protocol and guidance will be provided by SFHA and COSLA. The views of the applicant should also be taken account of.

9. It is clear, therefore, that a local authority should not make a request that, for example, would place a victim of domestic abuse near the perpetrator unless the victim has specifically requested to stay in the area, for example because of children in local schools or family and friends nearby. (It should be noted that in most such cases the *applicant* would be able to request a review of the decision by the local authority).

10. There may also be circumstances where the local authority and the RSL agree to the withdrawal of a request to provide housing for a homeless person. These include cases where the local authority is provided with new information that leads it to review its decision to request that particular accommodation. For example if an authority is made aware, by an RSL or another source, that the applicant had perpetrated an act of domestic abuse against a victim residing in the area then the authority should withdraw its request to the RSL to provide housing in that area.

11. Where an RSL has agreed to house a homeless person, but subsequently cannot do so in a reasonable period and the local authority is satisfied that it can source appropriate accommodation from another provider in a reasonable period a local authority may also agree to withdraw the request.

Good reason for RSL not complying

11. Assuming that the principles set out above have been adhered to, the presumption should be that in most cases there would be no good reason for an RSL not to comply with a request made by a local authority and not withdrawn. However, there are specific circumstances where an RSL may have good reason and these are described below.

11.1. Non-compliance within 6 weeks

Where the RSL is unable to make appropriate accommodation available (i.e. comply with the

request) within 6 weeks of the request then it has good reason for non-compliance.

However

when the RSL can identify a property which may be made available in a longer time period; is able to make a definite arrangement for that accommodation to be made available to the homeless applicant and can provide assurances to the local authority that it will be able to comply with the request by an agreed date, then the authority may accept its initial response of good reason for non-compliance as a preliminary response, but should resubmit its request to the RSL for the accommodation at an appropriate time.

11.2 Non-compliance in any timescale

Where the only accommodation the RSL has available is of a particular nature (for example, sheltered housing for older people, specialist supported accommodation, individual property specifically designed or significantly adapted for occupation by people with a disability) and this is not appropriate for the applicant then an RSL will have a **good reason** for noncompliance.

However, it is important that the views of the applicant and the nature of local demand are considered in reaching a decision on appropriateness. The special characteristics of the accommodation should not be used as the sole reason for not complying with a request but regard should be had to the sustainability of the accommodation as a specialist resource.

12. Section 6 of the Housing (Scotland) Act 2001 allows Ministers (in an order) to set a period within which agreement should be reached as to whether the reason is good before the arbitration period is triggered. The time period set in the Housing (Scotland) Act 2001(Appointment of Arbiter) Order 2002 is 5 working days.

Scottish Executive Development Department
September 2002

IN WITNESS WHEREOF these presents consisting of this and the preceding 8 pages together with the Schedule in 6 parts hereto are executed by the Parties hereto as follows:

Executed for and on behalf of		EAST RENFREWSHIRE COUNCIL	BARRHEAD HOUSING ASSOCIATION
Signature			
Name (Print)			
Job Title (Print)			
Date of Signature (Print)			
Location of Signature (Print)			
In the presence of this witness:			
Witness Signature			
Witness Name (Print)			
Witness Address (Print)			

THIS IS THE SCHEDULE REFERRED TO IN THE FOREGOING DATA SHARING AGREEMENT BETWEEN EAST RENFREWSHIRE COUNCIL AND BARRHEAD HOUSING ASSOCIATION
SCHEDULE PART 1 - DATA

All information reasonably required in order to allow both organisations to exercise their legal duties to the homeless and to monitor the outcomes from the Section 5 Protocol. This will include the information noted in this Schedule 1:

TABLE 1 - Information to be to be shared between BHA and the Council –:	
Category	Any access or restrictions on data
BHA to provide Council with annually updated information on stock numbers, property sizes and actual historical turnover rates, including	

information on the number and type of sheltered, adapted and amenity stock.	
Council to provide to BHA a monthly summary of current live homeless cases in terms of size of household and area preference	
BHA to provide weekly details of properties being offered for Section 5 referral, comprising address, flat position where relevant, size, type of heating, whether sheltered/adapted/amenity, whether the property is considered to require a sensitive let in accordance with the criteria set out in Annex C to the Section 5 Protocol	
Council to provide BHA with details of the homeless case for each of the BHA properties in the weekly list. This will include name, household size, area preferences where relevant, homeless reason, relevant details of previous tenancy history, any assessed housing support or care needs, details of the actual packages of support already in place and any other relevant information	
BHA to provide tenancy information where the Council is making a homelessness assessment on someone who has a previous tenancy with BHA and if they have previously been evicted by BHA	BHA will not rehouse a tenant that they have previously evicted
BHA to notify Council of the outcome of successful referrals and refused offers for each cycle of Section 5 referrals	
<p>BHA will forward to the Council each quarter a standard report summarising both for the period and, cumulatively, for the year so far:</p> <ul style="list-style-type: none"> the total number of properties put forward for Section 5 referrals and their outcomes; the total number of homeless cases put forward by the Council and the outcome of BHA's consideration; data on the overall number of lets by BHA, by category, i.e. own waiting list, transfers. Nominations, homeless referrals etc 	
<p>The Council will forward to BHA each quarter a standard report summarising both for the period in question, and cumulatively, for the year so far:</p> <ul style="list-style-type: none"> the total number of homeless cases who accepted permanent accommodation, by area; an analysis of homeless cases put forward to BHA and their outcome. 	

SCHEDULE PART 2: PURPOSE AND LEGAL BASIS FOR PROCESSING

Purpose

BHA and the Council are sharing data in order to comply with:

- the Council's statutory duties to secure accommodation for persons deemed to be unintentionally homeless or unintentionally threatened with homeless, per s24 of the Housing (Scotland) Act 1987, as amended by Housing (Scotland) Act

2001, the Homelessness etc. (Scotland) Act 2003 and The Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012

- BHA's duty under Section 5(6) of the Housing (Scotland) Act 2001 and the Scottish Government Guidance on Good Reason 2002

The Council's role in securing settled accommodation for persons deemed to be unintentionally homeless or unintentionally threatened with homelessness necessitates that the Data will be transferred to external organisations, including but not limited to:

1. Software providers: Alan Murie's AVD and Northgate's OHMS
2. Police Scotland and other law enforcement or regulatory bodies;
3. LGPS National Insurance database; and
4. Secretary of State for Work and Pensions as provider of the "Tell Us Once" Service.

Legal Basis

Personal data:

Under Data Protection Law, the Parties assert that the legal basis for the sharing of Personal Data further to this agreement is that the processing is necessary:

1. for compliance with the legal obligations contained in the statutes detailed below;
2. for the purposes of legitimate interests pursued by the data controllers without prejudice to the rights, freedoms, or legitimate interests of the data subjects; and
3. as part of performance of a task carried out in the public interest.

Sensitive personal data/Special categories of personal data:

Under Data Protection Law, the Parties assert that the legal basis for the sharing of Sensitive Personal Data/Special Categories of Personal Data, in this case physical or mental health data, further to this agreement is that:

1. Processing is necessary for the purposes of carrying out the Council in the field of social protection law and/or
2. Processing is necessary for the purposes of preventative or occupational medicine and the provision of health and social care treatment

The Data to be shared in terms of this Agreement is being shared further to statutory duties and powers contained in the following:

1. Housing (Scotland) Act 1987
2. Housing (Scotland) Act 2001
3. Homelessness etc. (Scotland) Act 2003
4. The Homelessness (Abolition of Priority Need Test) (Scotland) Order 2012

Public interest:

The Data to be shared in terms of this Agreement is being shared as part of performance of a task carried out in the public interest.

SCHEDULE PART 3 - DATA TRANSFER RULES

- 1 Information exchange can only work properly in practice if it is provided in a format which the Data Recipient can utilise. It is also important that the Data is disclosed in a manner which ensures that no unauthorised reading, copying, altering, or deleting of Personal Data occurs during electronic transmission or transportation of the Data. The Parties therefore agree that to the fullest extent possible, the following modes of transfer and media are used:

- Face to face
- Secure email

- Or other method agreed in writing between the Parties

SCHEDULE PART 4 – REPRESENTATIVES

Representatives and contact details

For East Renfrewshire Council:

Name: Eddie Gray

Address: East Renfrewshire Council, 211 Mains Street, Barrhead G78 1SY

Email: eddie.gray@eastrenfrewshire.gov.uk

Phone: 0141 577 3724

For Barrhead Housing:

Name: Kim Quinn

Address: 60-70 Main Street, Barrhead, G78 1SB

Email: kimq@barrheadha.org

Phone: 0141 881 0638

Escalation contact details:

For East Renfrewshire Council:

Name: Tracy Lindsay

Address: East Renfrewshire Council, 211 Mains Street, Barrhead G78 1SY

Phone: 0141 577 3172

For Barrhead Housing:

Name: Colin McCulloch

Address: 60-70 Main Street, Barrhead, G78 1SB

Email: colinm@barrheadha.org

Phone: 0141 881 0638

SCHEDULE PART 6 – DATA GOVERNANCE

Data quality

The Disclosing Party shall make reasonable efforts to ensure that Data provided to the Data Recipient is accurate, up-to-date, and relevant.

In the event that any information in excess of the information noted in Part 1 of the Schedule is shared, the Data Recipient will notify the Disclosing Party immediately and arrange the secure return of the information and secure destruction of any copies of that information.

Data retention and deletion rules

BHA and the Council shall independently determine what is appropriate in terms of their own requirements for data retention, in accordance with Data Protection Law.

Data that is no longer required by a Party will be securely removed from its systems and any printed copies securely destroyed.

Annex C: Sensitive letting criteria

Sensitive lettings are for cases where, for social reasons, it is necessary to exercise discretion in tenant selection, and, therefore, there is a departure from routine letting

practice. In such cases, a judgement is made about the suitability of the applicant for the vacancy concerned, in the context of the applicant's circumstances and issues regarding the property and or its location. The aim is to secure the social well-being of the applicant and the cohesiveness of the local community and neighbourhood.

In the context of this Protocol, sensitive letting would involve bypassing the case which was next in date order where it is felt that letting to this case would lead to an unsustainable let or surrounding community.

The criteria where sensitive lettings may be used in operating this Protocol is as follows:

1. if there is evidence that the allocation would place the community, or an individual at risk;
2. where the information available about the household's circumstances show clear evidence that a particular allocation is not suitable;
3. the property has special features which are not needed by the applicant or their household;
4. the applicant or a household member has a medical condition which makes the property unsuitable
5. other criteria where the BHA senior contact can evidence to ERC that the applicant is not suitable for the offer.

In agreeing to be a party to this Protocol, BHA agree to:

1. base decisions on sensitive lets on valid evidence and ensure that decisions are accountable, transparent, are carefully monitored and an audit trail are in place;
2. comply with the law and with Scottish Government guidance on sensitive letting;
3. manage processes in such a way that support individuals and communities and ensures that people are not unintentionally or unfairly disadvantaged;
4. ensure that no applicant is bypassed inappropriately;
5. ensure that there is no discrimination through bypassing particular groups;
6. ensure that sensitive lets are not used as a means of "screening out" households who may need greater support or involvement from staff;
7. have clear procedures in place for sensitive lets and clear processes for staff to follow, including a documented assessment of any potentially sensitive let;
8. have clear processes to monitor the impact of sensitive letting in respect of this Protocol.

Appendix 6 - Legal and Regulatory Framework

Legal Framework

Our allocations policy operates within the legal framework overseeing Registered Social Landlord housing allocations in Scotland. We have considered and adhered to the following statutory legislation:

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2010
- Housing (Scotland) Act 2014
- Homelessness etc. (Scotland) Act 2003
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Crime and Disorder Act 1998
- General Data Protection Regulations 2018
- Management of Offenders (Scotland) Act 2005
- Human Rights Act 1998
- Equalities Act 2010
- Adult Support & Protection (Scotland) Act 2007

Section 5 of the Housing (Scotland) act 2014 states that before making or altering its rules governing the priority of allocation of housing a social landlord must consult with applicants, tenants, Registered Tenants Organisations and any other such persons as it seems fit. This includes the requirement to prepare and publish a report on the consultation process itself. This report will be published following approval of the new policy.

Minor revisions to this policy not affecting the criteria guiding the priority of allocation of housing, such as procedural changes, may be made without consultation.

Landlords also have a duty to make and publish rules covering priority of allocation of houses, transfers, and exchanges. Our allocation policy clearly sets out how we will decide on priority offers for housing.

Rapid Rehousing

Rapid Rehousing is concerned with taking a housing led approach for rehousing people that have experienced homelessness, making sure they reach a settled housing option as quickly as possible rather than staying in temporary accommodation for too long. This helps targeted housing support services to address underlying issues immediately without having to focus resources on resolving housing need in the first instance.

Where homelessness cannot be prevented, Rapid Rehousing means:

- A settled mainstream housing outcome as quickly as possible.
- Time spent in any form of temporary accommodation is reduced to a minimum.

- When temporary accommodation is needed, the optimum type is mainstream, furnished and within a community. For example, this would not include a staffed supported housing unit.

East Renfrewshire Council are currently developing their new Rapid Rehousing Transition Plan (RRTP). This is a new planning framework aimed at assisting local authorities and their partners to transition to a rapid rehousing approach.

We are fully committed to working in partnership with East Renfrewshire Council to take forward and required actions once their updated RRTP plan is finalised, agreed, and published.

The Scottish Social Housing Charter

As required by section 31 of the Housing (Scotland) Act 2010, the Scottish Social Housing Charter set the standards and outcomes that all social landlords should aim to achieve when performing our housing activities. Therefore, we have developed our policy to ensure:

Outcome 1: Equalities

Social landlords perform all aspects of their housing services so that:

- every tenant and other customer have their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation.

It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these.

Outcome 2: 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.

This outcome covers all aspects of landlords' communication with tenants and other customers. This could include making use of innovative technologies such as web-based tenancy management systems and smart-phone applications. It is not just about how clearly and effectively a landlord gives information to those who want it. It also covers making it easy for tenants and other customers to make complaints

and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. It does not require landlords to provide legally protected, personal, or commercial information.

Outcome 3: 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.

This outcome describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants, other customers, and bodies representing them such as registered tenant organisations; how they shape their services to reflect these views; and how they help tenants, other customers and bodies representing them such as registered tenant organisations to become more capable of involvement. This could include supporting them to scrutinise landlord services.

Outcome 7, 8 and 9: 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.
- people at risk of losing their homes get advice on preventing homelessness.

These outcomes cover landlords' duties to provide information to people looking for housing and advice for those at risk of becoming homeless. This could include providing housing 'health checks' for tenants and people on housing lists to help them review their options to move within the social housing sector or to another sector.

Outcome 10: 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.

This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.

Outcome 11: Tenancy Sustainment

Social landlords ensure that:

- tenants get the information they need on how 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.

This outcome covers how landlords on their own, or in partnership with others, can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability, health conditions or caring responsibilities.

Assurance Statements

Social landlords are required to submit an Annual Assurance Statement to the Scottish Housing Regulator. Barrhead Housing will comply with the relevant requirements of Chapter 3 of the Regulatory Framework, which relates to ensuring we meet all relevant legislative duties.

Equality Impact Assessment (EQIA)

Barrhead Housing has applied a screening process based on the recommendations by the Equality and Human Rights Commission to ascertain whether each policy requires an Equality Impact Assessment to be carried out.

Our policy works upon a priority points system and will allocate points based on individual circumstances, regardless of their protected characteristics to meet their met and unmet housing need. The policy also recognises that if an adapted property or specialist property types such as amenity or sheltered housing for elderly people becomes available, that these properties will be offered to an applicant who meets the criteria for that type of accommodation. This is due to limited availability of these types of properties and to ensure Barrhead Housing makes best use of stock.

Signed:



Colin McCulloch

Director of Customer Services

Date the Equality Impact Assessment was completed: 30/11/2023

Final Draft