

Choice Based Lettings Policy

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1 Introduction

Welcome to Loreburn Housing Association's Choice Based Lettings Policy. We have introduced this policy as we believe it supports our commitment to offering customers more choice of where they choose to live which in the longer term will create stronger, more sustainable communities.

The Scottish Government web sites states [Choice-based letting](#) (CBL) systems are intended to offer a more customer-orientated approach to housing allocation systems, and they support the practice of choice based letting. Evidence suggests that people who obtain their home in this way tend to be more satisfied and more likely to maintain their tenancies than those who are allocated a home through more traditional allocation systems.

The introduction of CBL at Loreburn will represent a shift towards customer empowerment by placing housing applicants at the centre of the lettings process. Loreburn believe this will improve access to social housing in Dumfries and Galloway whilst maintaining the required legal, regulatory and policy standards expected from us.

To improve efficiency and speed up the process, Loreburn's CBL system will be electronic with appropriate provision in place to support less able applicants through the registration and bidding process. Priority for housing is awarded through a 'banding' system that places people in one of four bands according to their housing need. The majority of properties are advertised and customers are able to exercise choice by registering interest in properties, however, they are only able to express an interest in ones that meet their requirements. For example adapted properties and some ground floor accommodation will be for customers with medical needs and/or for older persons. At the end of the advertising period a shortlist is compiled, taking into account: the bandings of the customers, the 'effective' date of the application, and any local connection. Usual practice is that customers at the top of the shortlist are offered the property however in certain situations exceptions to the policy will apply as detailed later in this document. Exceptions, which include 'direct offer' or 'local lettings policies', allow Loreburn H A to respond appropriately to emergency cases and to effectively manage their housing stock. All exceptions to the general policy are escalated and authorised at Director Level. Those decisions are recorded, monitored and reported to Loreburn's Executive Management Team.

Loreburn Lettings/Living will treat those applying to the scheme fairly; will be inclusive of all groups and the procedure will be transparent. Loreburn will provide greater choice for applicants but the demand for housing will continue to be greater than the supply. Through good quality feedback to customers the scheme will enable people to be clearer about their prospects of being offered accommodation. For people unlikely to be offered accommodation through the scheme there will be advice about alternative housing options.

2 Policy Statement

Loreburn H A aims to provide a high quality service to its customers.

We recognise that the availability of affordable rented accommodation will never fully meet the demand which is one of the reasons Loreburn H A have made the decision to move to a Choice Based Lettings Policy.

In accordance with the **Housing (Scotland) Act 2001** Loreburn H A will identify and prioritise applicants most in need, including:

- People who are homeless or threatened with homelessness
- People living in overcrowded housing
- Large families
- People living under unsatisfactory housing conditions
- People living in houses that are below the tolerable standard

Loreburn H A will offer housing applicants as much choice as possible whilst also ensuring we make best use of the stock to meet the housing need in Dumfries & Galloway.

Loreburn H A aims to provide long term housing solutions for applicants so will allocate properties in a way that helps create sustainable tenancies and communities.

3 Policy Objectives

- To improve the means by which local people gain access to social housing by providing a straightforward, easy to understand allocation system which allows choice and is fair, transparent and accountable.
- To achieve the local lettings targets as agreed with Homes 4 D&G Partners.
- To help to reduce the use of temporary accommodation for homeless applicants and to assist with prevention by making customers aware of their potential housing choices and the alternative options available to them e.g. private rented sector, low cost home ownership.
- To increase the availability of accommodation to help address health and social challenges such as 'bed blockages' and pressure on supported housing schemes.
- To ensure a lettings service that embraces equality and diversity by being open, transparent and fully accessible to all individuals and to provide support to customers where required.
- To make the best use of our housing stock across Dumfries and Galloway.
- To attract new customers to areas of low demand and reduce void times on 'hard to let' properties.

4 Statutory & Regulatory Framework

Loreburn HA is registered with the Scottish Housing Regulator as a Registered Social Landlord (RSL). This policy has been developed in line with good practice from the Scottish Government, the Scottish Housing Regulator, the Scottish Federation of Housing Associations and the Chartered Institute of Housing. By taking account of good practice, we have made sure that our policy is fair and gives reasonable preference to those in housing need. This policy is also compliant with, and takes account of, the following Scottish and UK legislation on housing:

- Housing (Scotland) Act 1987;
- Housing (Scotland) Act 2001;
- Housing (Scotland) Act 2006;
- Homelessness etc. (Scotland) Act 2003;
- Leasehold Reform, Housing and Urban Development Act 1993.

In addition, the policy protects the rights of individual applicants by meeting the legal Requirements set out in:

- Human Rights Act 1998;
- Data Protection Act 1998;
- Matrimonial Homes (Family Protection) (Scotland) Act 1981;
- Children Scotland Act 1995;
- Civil Partnership Act 2004;
- Immigration and Asylum Act 1999;
- Protection from Harassment Act 1997;
- Management of Offenders etc. (Scotland) Act 2005;
- Equality Act 2010; and
- Adult Support & Protection (Scotland) Act 2007.

5 Registering for Housing

In accordance with the Housing (Scotland) Act 2001 any persons aged 16 years or older can apply for housing with Loreburn H A. This, however, does not guarantee an offer of housing. This policy explains how we prioritise applications to meet our legal responsibilities in a fair and consistent way.

Registration for housing with Loreburn H A will be by way of an online registration form at www.loreburnlettings.org.uk.

When an application is accepted the customer will be provided with the following information:

- Their registration reference number
- The Band they have been placed in
- An explanation of the login reference number and memorable password for use when logging into their online account

Detailed information on how Loreburn Living operates will be available on line for all customers to access as and when they want.

In line with our commitment to make services accessible and to comply with our equality commitments, we will provide assistance to any customer who has difficulty in applying for housing. This includes online translation services, access to internet and computers, and help to complete the online registration form.

Applicants who do not provide enough information as part of their registration, or fail to evidence certain criteria will be placed in the lowest banding, bronze. This means that they may not be the highest bidder and may miss out on an allocation until they provide all relevant information and evidence.

Applicants will be provided with log in details to allow them to manage their application online so it is important that they keep their application up to date by logging on to mark changes to their circumstances as and when they occur.

Where an applicant deliberately provides false or misleading information they will be suspended from the Housing List, and any offer of housing made will be withdrawn. If a tenancy is granted on the basis of false information it is likely that repossession action will be taken.

5.1 Applicant choice

An applicant will be able to choose the areas they wish to live in and the type of property they would prefer. We will not put any limits on the numbers of areas an applicant can choose, however there may be instances when this may be affected, for example:

- An applicant has a medical recommendation/requirement for a specific property type;
- An anti-social behaviour order may prohibit an applicant from accessing a particular area;
- Availability of housing

5.2 Property Size Criteria

Loreburn work out the number of bedrooms that the applicant requires using the following criteria, based on who will be living permanently in the household.

This is set out below:

	Number of bedrooms you can be considered for					
Household size	Bed-sit	One	Two	Three	Four	Five +

Single Person	•	•	•			
Couple		•	•			
Couple or single adult and 1 other person			•			
Couple or single adult with 2 children both under 8			•			
Couple or single adult with 2 same sex children both under 12			•			
Couple or single adult with 2 opposite sex children and 1 is aged 8 or over				•		
Couple or single adult with 3 mixed sex children all under 8				•		
Couple or single adult with 3 same sex children all under 12				•		
Couple or single adult with 3 mixed sex children and 1 is over 8				•		
Couple or single adult with 3 mixed sex children and 1 is over 12				•	•	
Couple or single adult with 3 mixed sex children and 2 are over 8				•	•	
Couple or single adult with 3 children all over 12					•	
Any larger household					•	•

Applicants may bid only for the size of property we have identified, unless we give permission to bid for larger or smaller properties.

We will make exceptions to these rules, depending on individual circumstances. For example if an applicant:

- Is a Homeless referral from the local authority
- requires an additional bedroom on medical/ welfare grounds
- provides foster care, or have been pre-approved to provide foster care or to adopt children;
- has access to children who do not reside with you on a full time basis;
- or a member of their household is pregnant and can provide us with proof of pregnancy from an independent source i.e. a doctor or midwife. Whether this entitles you to an extra bedroom will depend on your household's circumstances.

Loreburn can ask applicants to provide further information in support of their application, if they require larger accommodation than we would normally allocate with the guidance set out above.

Please note that size criteria for allocating homes is not based on the regulations set by the Department for Work and Pensions. This means that you may not get housing benefit/Universal Credit to cover any additional bedrooms you are offered or apply for, if this is more than you require. Regulations set by the Department for Work and Pensions state that each of the following are entitled to one bedroom:

- a couple;
- anyone aged 16 or over;

- any two children under 10 years of age;
- any two children of the same sex under 16 years of age.

As part of Loreburn H A's commitment to providing quality advice and information, prior to making any offer of a tenancy; applicants will be notified if they will be under-occupying the property and therefore may be liable for the under occupation charge. This will allow applicants to make an informed choice about whether or not to proceed with the offer of tenancy.

5.3 Sheltered Housing

Sheltered housing properties allow older people to retain a high degree of independence within their home. Applicants for sheltered housing should:

- be over 55; or
- have a current medical, social, safety or particular housing need that could be met by sheltered housing; or
- would benefit from sheltered housing in the future

Applicants who live alone or as part of a couple, are eligible to make an application for sheltered housing. In the case of couples, only one of the applicants needs to meet the criteria listed above.

Sheltered housing is aimed at, but not restricted to over 55's, and Loreburn recognise that, in some cases, there are people of all ages who would benefit from this type of housing.

5.4 Amenity Housing

Amenity housing is generally ground floor accommodation and/or barrier free, built to certain standards making them suitable for older and/or disabled people. Applicants for amenity housing must be:

- over 50;
- have a medical condition and would benefit from the features of this type of accommodation.

5.5 Adapted Properties

Adapted properties include houses purposely built for disabled people as well as homes that have been significantly adapted. When allocating adapted housing, the applicant's suitability for the property will be the determining factor so it is important we fully understand the type of property you need. There may be instances where it is not possible to find a suitable applicant for a particular adapted property. In these circumstances, and only as a last resort, it may be necessary to remove the adaptation in order to re-let the property.

5.6 Priority Bandings

When your online registration is complete your application will be assessed and placed in the relevant band.

This means that applicants will be placed on the band most applicable to their circumstances and based on their current living arrangements.

If an application is moved into a higher or lower priority Band the applicant retains their original registration date.

Once an applicant is awarded a priority for rehousing, it is expected that they will actively seek accommodation using Loreburn’s CB Lettings system. We will review our list quarterly and if an applicant with a high level priority is not actively seeking accommodation their priority may be reviewed. If no suitable properties have been available within a reasonable period of time (especially for applicants awarded a very high priority) Loreburn may make a direct offer of housing. A direct offer of suitable housing may be made to any applicant at any time, ordinarily in accordance with priority and priority date order. Refusing a direct offer of suitable accommodation may also result in priority being removed.

Where exceptional priority is assessed then no further priority under any other priority category will be awarded. When several bids are received of equal status then date order is used as the deciding factor.

Moves on the grounds of mental health or learning disabilities will be considered, taking into account advice from relevant professional, medical, and healthcare services, and whether there are properties available which are likely to meet the applicant’s needs better than where they are now. However, it would have to be proven that rehousing to another property will play a critical role in addressing an applicant’s health problems.

Applicants must not deliberately move into a home that is unsuitable due to medical or health needs. If Loreburn H A believe that an applicant has deliberately moved into a property in which a disability or long-term health condition has a substantial impact on independence, making that property unsuitable and where it was otherwise reasonable for you to secure alternative suitable accommodation, priority is unlikely to be awarded or may be removed. Loreburn H A will consider the circumstances and merits of such cases very carefully.

Loreburn H A’s assessment of people who need to move on medical or welfare grounds (including needs relating to a disability) has two functions. Firstly, it considers priority for rehousing on health grounds. Secondly, it recommends the nature of suitable alternative accommodation. Ordinarily, Loreburn H A will not subsequently reassess your health or independence needs unless it has changed significantly within the previous three months. We may ask for evidence that you have been diagnosed with a significant new health problem which is adversely affected by your housing (such as a serious stroke) or that your independence has been permanently reduced following a hospital admission. The onus is on the applicant to notify Loreburn HA should their circumstance, linked to their housing application, change.

The bandings are as follows:-

Platinum Urgent need for housing	Explanation of criteria to be used in the assessment
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URGENT - Homeless	<p>Applicants who have been assessed as:</p> <ul style="list-style-type: none"> • Unintentionally homeless (under Part II of the Housing (Scotland) Act 1987 and 2001 Act); • Threatened with homelessness; and/or • Vulnerable and in urgent housing need, and assessed as such by DGC
URGENT – due to complex medical condition or disability	<ul style="list-style-type: none"> • An immediate life threatening condition which is seriously affected by the current housing circumstances. • A member of the household cannot be discharged from hospital until a suitable adapted property is provided. • Due to an assessed limited mobility a person in the household is unable to access essential parts of the property e.g. Bathroom/toilet and the property cannot be suitably adapted. • A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home. • Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she or a member of their household, has sustained as a result of service. • People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
URGENT - need to move due to domestic abuse, hate crimes or other serious harassment. (Please note - it's likely that many of the applicants in these category will come through as referral rather than direct applicants).	<ul style="list-style-type: none"> • Customers who need to move due to domestic abuse, extreme violence or extreme harassment. This would include racial, homophobic or transgender harassment. • Evidence or demonstrable risk to the tenant or their family's safety if they remain in the property/area and the location sought would substantially reduce or eliminate the risk.
URGENT - Overcrowding	<ul style="list-style-type: none"> • Families living in conditions which are prejudicial to health and where there is a high risk of harm, and this is supported by

	DGC/Homes 4 D&G
URGENT – Looked after children	<ul style="list-style-type: none"> • Young people who are referred by Children’s services following an assessment under the Children Act 1989 with a recommendation for housing. This includes children leaving care. • It is expected that a support plan will have been prepared and will be available to the housing provider for people rehoused on these grounds.
URGENT - Homeless prevention status	<ul style="list-style-type: none"> • A customer has children or is pregnant, or is a single person who in the local authority’s opinion may be at risk of being physically homeless.
URGENT – active service	<ul style="list-style-type: none"> • armed forces personnel leaving active service
URGENT – Regeneration activity	<ul style="list-style-type: none"> • people who require to leave home as a result of regeneration activity
URGENT – witness protection	<ul style="list-style-type: none"> • people who are required to leave their home for protection
GOLD High need for housing	Explanation of criteria to be used in the assessment
Customers who meet two or more of the criteria:	<ul style="list-style-type: none"> • Households needing to move to a particular locality on hardship grounds • Households overcrowded/under occupying • Disrepair i.e. below tolerable standards • Medical need • Existing social housing tenants who suffer financial hardship as a result of housing benefit changes under Welfare Reform.
Welfare Grounds	<ul style="list-style-type: none"> • People who are living in a supported housing property (usually for at least 6 months) and who have been assessed as being ready for independent living.
Under occupation	<ul style="list-style-type: none"> • Social housing tenants of a partner organisation that are under occupying a property by 2 or more bedrooms who bid on properties with at least 2 fewer bedrooms than they currently have. <p>An assessment will be made on the basis of the current family composition and will also take into account the family composition at the start of the tenancy.</p>
Overcrowding	Customers who need to move due to

	<p>overcrowding by 2 bedrooms or more.</p> <p>A household will be considered for this category where they are 2 bedrooms or more short of the required bedrooms.</p>
Silver Medium need for housing	Explanation of criteria to be used in the assessment
Non Priority Homeless	<p>These customers will be assessed by the local authority. They will include:</p> <ul style="list-style-type: none"> • Sofa Surfers • Those moving between friends and relatives • Those who have accommodation but the local authority do not consider it reasonable to occupy. • Those who have accommodation, but cannot secure access to it or there is no lawful place they can live in it e.g. caravan
Medical	<ul style="list-style-type: none"> • The customer's housing is unsuitable for medical/disability reasons but they are not housebound and their life is not at risk due to their current housing. However the housing conditions are directly contributing to their ill health. <p>Examples are as follows:</p> <ul style="list-style-type: none"> • Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation • A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g. stairs and steps. • A person with a disability requiring substantial adaptations where their current accommodation cannot be reasonably and practicably adapted to meet their needs after consultation with the relevant Local Authority • A person with a terminal illness or long term medical debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support. <p>The assessment will not be made on the basis</p>

	of the customer's health but on how their accommodation affects their health.
Hardship	<p>Customers who need to move to a particular locality where failure to meet that need would cause hardship to themselves or others. This would include people needing to move for:</p> <ul style="list-style-type: none"> • Employment purposes • To be near relatives to give or receive support • To access medical treatment/social services facilities. <p>This priority will only be awarded in exceptional circumstances and includes:</p> <ul style="list-style-type: none"> • Customers who require support from relatives or friends will only be considered where there is a severe mental health, medical or welfare issue and there are reasons why this support cannot be made available through reliance on public transport or the customer's own transport. • Customers requiring to take up or continue employment opportunity not available elsewhere will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. • Non social housing customers who are assessed as facing housing related financial hardship where re-housing will alleviate the situation. • Existing social housing tenants who suffer financial hardship as a result of housing benefit changes under Welfare Reform.
Overcrowded	<p>Customers who need to move due to overcrowding by 1 bedroom.</p> <p>A household will be considered for this category where they are 1 bedroom short of the required bedrooms.</p>
Property Condition – below tolerable standards	Households where the accommodation is classed as below tolerable standards

Under Occupation	<p>Social housing tenants of a partner organisation that are under occupying a property by 1 bedroom who bid on properties with 1 less bedroom than they currently have</p> <p>An assessment will be made on the basis of the current family composition and will also take into account the family composition at the start of the tenancy.</p>
Bronze: Low need or no need for housing	Explanation of criteria to be used in the assessment
Customers with no priority	Customers who are assessed as adequately housed.
Customers with a housing need but given reduced priority	<p>Where a customer is assessed to having a housing need, but are also subject to one of the following, will have their priority reduced until the situation changes. A customer will be given reduced priority for the following reasons:</p> <ul style="list-style-type: none"> • Breach of a tenancy condition i.e. ASB which is unresolved but would not warrant a full possession order at this stage. • A property not meeting the required standard for a transfer customer • Refusing 2 reasonable offers within a 12 month period

Applications placed in the platinum banding, will be held in date order, based on the date the decision was made to place the application in that banding. If an applicant qualifies to be placed in the platinum banding they can **make as many bids as they choose however if a reasonable offer of accommodation is refused the platinum banding will be removed**. Applicants can then be registered in one of other groups.

Priority between applicants is ordinarily decided using a priority scheme, which is set out in the table below. The priority scheme is used to decide who we can make an offer of rehousing to. All applicants are banded according to an assessment of their circumstances by Loreburn H A.

Platinum Priority

In exceptional, compelling circumstances and where no other suitable housing options are available, Loreburn will award platinum status. Having regard to the high and varied levels of housing need across the region such circumstances will be kept to a minimum. Where platinum priority is awarded, it may be more appropriate for Loreburn H A to make a direct offer of a suitable property to the applicant to enable them to move as quickly as possible, where this happens, the direct offer will be authorised by the Director of Operations. When several bids are received of equal status then date order is used as the deciding factor.

Gold Priority

Serious and immediate risk of harm will result in gold status being awarded. The banding is awarded due to severity of a situation warranting an urgent move. It is therefore assumed that a household will wish to move quickly, ordinarily, applicants awarded gold banding will bid for properties through choice-based lettings however when necessary occasionally a direct offer of a suitable property may be made to rehouse the applicant quickly. Where this happens, this will be authorised by the Director of Operations. When several bids are received of equal status then date order is used as the deciding factor.

Gold priority is awarded to households where, in the current home, a disability or long-term health condition has a substantial impact on the independence of the applicant or a member of their eligible household. Loreburn H A will consider whether such people are unable to access essential facilities, **AND** whether a move to a more suitable property would enable independence or access to essential facilities within their home. This includes a dependent child with a long-term limiting illness or a disability.

The focus of the medical housing assessment is not on the health condition itself, but on the way it affects how the person manages in their home. The person may have been diagnosed with a serious illness or condition, but may already managing to live independently in their current home.

Silver Priority

Loreburn is committed to everyone having a home which enables them to live independently. Where a property has a negative impact on someone's health or independence, we will award silver status. Another solution might be to move to a more suitable home, or we might work with other agencies to make adaptations or provide equipment if these are assessed as being necessary and appropriate.

Loreburn does not prioritise residents for rehousing where their health is affected by disrepair as there are other ways to deal with this. If applicants feel disrepair within their home is affecting their health, they should seek to resolve that issue with their landlord, support and advice can be provided through Dumfries & Galloway Council Landlord Registration scheme.

Please note from a Housing Options perspective, where people are struggling within their home, rehousing may offer a better solution than adapting the property. Rehousing may involve moving to alternative social housing, or we could assist applicants to move to suitable and affordable private rented accommodation.

Bronze Priority

These banding will be awarded to applicants who do not qualify under the criteria set out above.

5.7 Priority date order

Where two or more applicants have the same banding, priority is ordinarily given to the applicant with the earliest priority date.

The priority date is determined by the date of:

- a) a successful qualifying application, or
- b) an application to Dumfries & Galloway Homelessness Department assessed as:
 - Unintentionally homeless (under Part II of the Housing (Scotland) Act 1987 and 2001 Act);
 - Threatened with homelessness; and/or
 - Vulnerable and in urgent housing need

Except in the following circumstances:

- i) If an applicant is already on the Housing List and subsequently makes a successful application for priority status, the priority date will defer to the date of receipt of the application for assessment.
- ii) when an applicant has been placed into supported accommodation by the Council and they subsequently qualify for platinum status. The priority date will reflect the date they moved into supported accommodation.
- iii) When an applicant has refused two suitable offers of social housing, either as a result of a choice-based lettings bid or a direct offer, their priority date will move to the date of their last refusal of a suitable property. Their application will also be suspended for 12 months. This penalty does not apply to statutorily homeless applicants; towards whom the Council will discharge its duty (and cease to provide accommodation) following the refusal of a suitable offer of accommodation.

6 Advertising of Properties & Bidding

Available Loreburn property will be advertised on the Loreburn Living/Lettings website on a Tuesday with bidding open until Friday at Noon and on a Thursday with bidding open until Monday at Noon.

When a property becomes available for let, the system will decide which priority group the property will be allocated to, taking into account the Annual Lettings Plan targets, whether the property is required for homeless or strategic needs group applicants, and best use of our housing.

Loreburn expects applicants to check adverts regularly.

Applicants can opt to be notified by text or email when a property becomes available that fits their criteria. This proactive approach will ensure applicants do not miss property adverts. Where the applicant does not have access to text or email other arrangements can be made, and in special circumstances automatic bidding can be implemented.

Each advert identifies key features of the property:

- size
- suitability (i.e. for people who need accessible housing)
- tenancy type
- weekly rent
- restrictions (i.e. if the property is only available to people aged over 60).

Applicants can bid for properties they are interested in, using the website, by text, or by using our App.

An eligible bid is one which:

- Is for a property of the size for which the applicant is eligible
- Is for the correct mobility categories, if these apply
- Meets any special criteria included in the advert.

Applicants in gold, silver and bronze categories can make **3 bids** each week but will be unable to bid on properties which they are ineligible for. This will be made clear on the website so that the process is transparent.

7 Deciding who will receive an offer

Properties are allocated in line with the Housing (Scotland) Act 1987 and Housing (Scotland) Act 2001 so we must ignore the following:

- The age of the applicant, provided they are aged 16 or over
- The length of time the applicant has lived in Dumfries and Galloway
- The income of the applicant and their family
- Whether they own or have owned a property
- Any housing debt now repaid
- Any non-housing debt such as Council tax
- housing debt not owed by applicants, for example, rent arrears owed by a partner
- Any rent arrears where the amount is no more than one month's rent or where the applicant has an arrangement for paying the arrears, has been keeping to the arrangement for at least three months and is continuing to make such payments
- Age of applicants unless it involves housing designed or specifically adapted for people of a specific aged, for example, sheltered housing

It is especially important to ignore whether or not an applicant lives in Dumfries and Galloway if the applicant:

- is employed, or has been offered employment, in the area
- wishes to move into the area to seek employment and we are satisfied that this

applies

- wishes to move into the area to be near a relative or carer
- has special social or medical reasons for requiring to be housed within the area
- is subject to harassment and therefore wishes to move into the area
- runs the risk of domestic violence and wishes to move into the area

Finally, we must not impose any of the following requirements:

- that an application must have remained in force for a minimum period
- a divorce or judicial separation be obtained
- that the applicant no longer be living with, or in the same house as, some other person, before the applicant is eligible for the allocation of housing.

When bidding closes bids are shortlisted, and applicants with the highest priority and who meet any categories specified in the advert are contacted and invited to view the property.

The property will be offered first to the bidder with the highest priority; if there are two bidders with the same priority, the property will be let to the applicant with the earliest priority date. Applicants who have been assessed as requiring an accessible property will be considered for a suitable accessible property before applicants without such needs. Decision making will be based on:

- **Status** (platinum, gold, silver or bronze)
- **Registration date** (date added to the system)

If the highest bidder refuses the property, it will be offered to the bidder with next highest status or priority date.

Applicants shortlisted for a property will be contacted with the viewing details. They must view the property within the time stated and if they don't it will be counted as a refusal unless previously agreed.

Applicants are encouraged to actively make bids for accommodation, however Loreburn retains the right to make direct offers to anyone registered on the housing list at any time, regardless of whether an applicant has previously engaged in the bidding process or not.

Whilst choice is a very important part of the scheme, the severe shortage of available properties particularly larger, family sized housing means that applicants who want to move need to be as flexible as possible about where they will live, and what type of property they will live in (for example, on which floors and area).

Applicants who accept a property will be given advice on when they can move in and their application to the housing list will be cancelled.

It is important to remember that Loreburn H A cannot offer housing to everyone who expresses an interest in our properties. Some applicants will be offered housing options advice and assistance. Housing options may include:

- **Private rented housing**

- Low-cost home ownership and mid-market rents: schemes to help applicants buy their own home, if they cannot afford the full cost, or to rent properties if they cannot afford market rents
- Making a property more suitable for an individual needs. This may include assistance to make the best use of space, or adapting a home to make it more accessible.
- Mutual exchange (swapping homes with another tenant).

7.2 Pre-tenancy checks

A pre-tenancy check will be carried out for all applicants prior to making an offer of housing. These checks will be carried out to confirm current housing circumstances and to check that, where appropriate i.e. property transfers, your current tenancy is being maintained to a satisfactory standard. This will include carrying out a telephone assessment and seeking references from other social registered landlords and registered private landlords. Checks will be carried out for evidence of debt related to a tenancy, evidence of anti-social behaviour or any other breach of tenancy.

Prior to an allocation or offer being made a pre-allocation telephone assessment is carried out by the Customer Engagement Team. During the telephone assessment you will be asked if the details of your housing application form remain the same. If there have been any changes this may mean that your application is suspended pending re-assessment and you may no longer be considered for the allocation at that time. You will also be asked if you currently receive support or whether you feel you would benefit from support to help you in your prospective new tenancy. To help us understand ongoing affordability of the potential tenancy you will be asked to detail your income including employment details and/or the welfare benefits you receive. To ensure the best start to your new tenancy we will ask if you have furniture to move in with, assistance to help you move, or if you have any concerns about managing a tenancy. We will then decide whether you would benefit from referrals to our Income Services team for benefits advice or to external agencies for support and/or furniture assistance. Before we make any offer of tenancy you will be asked to provide proof of ID and residence at your current address.

Where you, or a member of your household, have been evicted as a result of anti-social behaviour within the past 3 years, you will be offered a Short Scottish Secure Tenancy with support.

If you have debt related to a tenancy and you have an agreement to repay you will be placed on the waiting list. This agreement will be monitored. You will not be considered for any offers of accommodation until you have repaid the debt in full or maintained the agreed repayment plan for the required period of time (3 months).

In the case of transfer applicants, the home visit will consist of a property inspection to ensure that the property has been maintained in accordance with the tenancy agreement and to discuss end of tenancy procedures as well as to verify the applicant's circumstances.

7.3 Direct offers

In some circumstances, Loreburn will offer a property to an applicant who has not bid for it. This is called a 'direct offer' and is designed to help a household to find social housing if they need to do so urgently, or have been unable to find a home themselves using choice-based lettings.

Direct offers will ordinarily be made to applicants with the highest priority and where two or more applicants have the same priority, the offer will be made to the applicant with the earlier priority date. Applicants who have been assessed as requiring an accessible property will be considered for a suitable accessible property before applicants without such needs. Direct offers may be made to anyone who has qualified on the housing list, but in particular:

- Households in emergency health and independence or other exceptional priority whose severe needs mean that they are not readily able to bid. Wherever possible, applicants will be encouraged to bid and to exercise choice, but if reasonable direct offers are refused, their priority may be reassessed and if they refuse two offers they will be subject to the penalties.
- Households with regeneration priority may be made direct offers of particularly suitable properties, including ground floor or new-build properties most suited to their needs, to maximise the chances of them moving. These applicants are under no obligation to accept any direct offer and refusal will not adversely affect priority. Households awarded redeveloping homes priority, who have not bid successfully within the period given to them, and where legal action has started to recover their home, one reasonable direct offer will be made.
- Households with homeless priority any direct offer made will constitute a reasonable offer of housing; if the applicant refuses a reasonable and suitable offer Loreburn H A will liaise and take advice from the local authority regarding its homelessness duty to the applicant. 'Homeless' applicants will be advised of the implications of refusing a direct offer, and of their right of appeal.
- Households awarded at serious risk of harm priority may be made a direct offer to enable them to move as quickly as possible.
- Supported housing scheme applicants who have a sufficient priority may be made a direct offer.

In all cases, the applicant should continue to bid under our choice-based lettings scheme whilst waiting for a direct offer. Any direct offer will meet assessed need and be suitable for occupation. Our decision on suitability will be based on the information we have about an applicant so it is important that applicants inform us of any changes.

7.4 Tenancies

Applicants, who qualify for an offer of housing, will be offered a Scottish Secure Tenancy in line with Loreburn's legal responsibilities. In a limited number of situations, Loreburn may offer a Short Scottish Secure Tenancy. A Short Scottish Secure tenant has many of the same rights as a Scottish Secure tenant. However, rights are more

limited on eviction, subletting and succession. A Short Scottish Secure Tenancy agreement will state that a tenancy is for a fixed period of time (at least six months). If by the end of that time, neither party has requested that the lease ends, it will renew itself for the same amount of time again (for example, for another six months).

Loreburn can only give Short Scottish Secure Tenancies in very specific circumstances as defined by law in Section 37, Schedule 6 of the Housing (Scotland) Act 2001. The circumstances will apply if:-

- The applicant has been evicted for anti-social behaviour in the last three years;
- The applicant or a member of their household is subject to an anti-social behaviour order;
- Loreburn are offering temporary accommodation for people taking up employment in the area;
- Loreburn are offering temporary accommodation for tenants where work is being carried out on their house;
- The applicant is homeless and the property is let to you on a temporary basis for more than six months;
- The applicant is in receipt of housing support services and the property is let to you on a temporary basis;
- The property is leased from another body by the landlord.

In all cases Loreburn H A will serve the tenant with a notice, informing them that the offer is a Short Scottish Secure Tenancy. The notice will also state why the applicant is being offered a Short Scottish Secure Tenancy and the period for which the tenancy is being offered.

If the applicant has been given a Short Scottish Secure Tenancy because of a previous eviction for antisocial behaviour or because a member of their household has an anti social behaviour order (ASBO) served against them; the Short Scottish Secure Tenancy will be converted to a Scottish Secure Tenancy at the end of 12 months, provided the landlord hasn't given the tenant a notice to quit. Loreburn will notify the tenant when their tenancy agreement changes, including explaining the new rights and responsibilities.

7.5 Refusing an offer of suitable housing

In order to ensure the efficient allocation of available social housing to those who need it most Loreburn will review applications based on property refusals.

If an applicant in platinum banding refuses a suitable offer they will lose their priority and move down to the relevant lower banding.

Non-Homeless applicants who refuse two reasonable properties offers will be suspended for 12 months and their priority date will also move to the date the last suitable offer was received but refused.

With regard to choice-based lettings, Loreburn considers a refusal to be:

- a refusal to view a property having submitted a bid for it, without good reason, or
- a refusal to attend a viewing for a property, without good reason, or
- a refusal of a suitable property offer

Applicants may seek a review of a decision to suspend their application and to move their priority date to the date of last refusal of a suitable property. Reviews will be conducted by the Customer Engagement Manager or Director of Operations

8 Reviewing, Removal and Suspension of Applications

8.1 Reviews

Each customer will have their application reviewed at least annually.

Customers registered in the Platinum Band will be reviewed on a monthly basis in partnership with the referring agency. Customers registered in the Gold Band will be reviewed on a quarterly basis. Monitoring of number(s) of 'bids' made (or lack of) will be used to identify where assistance to customers may be needed.

8.2 Removal of applications

An application will be cancelled from the housing register in the following circumstances:

- At the customer's request;
- The death of an applicant;
- If the customer has been housed;
- If the applicant repeatedly fails to respond to a review of the list or to other correspondence.
- Where it is discovered that the customer has given false or misleading information

The customer will be notified of the reason why their registration has been cancelled and of their right to request a review of that decision.

8.3 Suspended applications

In order to ensure appropriate and efficient use of our limited supply of housing to those who need it most, the following categories of applicant will be suspended from the list:

- Applicants who owe us, or another landlord, a tenancy-related debt which is more than one month's rent, if a repayment arrangement has not been maintained for 3 month period;
- if the applicant or a member of their household has behaved in an anti-social manner and there is an ASBO, or an NOP in place
- if an applicant has given false information on an application form;
- if an applicant or a member of their household has broken some condition of a tenancy agreement, such as causing damage to a current home;

- if the applicant has not provided the information required to assess the application despite reminders to do so;
- if two offers of housing have been refused and choices for housing have not been reviewed when asked to do so;
- the applicant is a high risk offender, Dumfries & Galloway's Multi Agency Public Protection Arrangements (MAPPA) team will carry out a risk assessment to determine if the application can be reinstated.

9 Other Allocations Information

9.1 Community Safety – Multi Agency Public Protection Arrangements

Registered Social landlords have a legal duty to consider the housing requirements of all applicant including persons currently on the sex offenders register and other high risk offenders who are subject to the Multi Agency Public Protection Arrangements (MAPPA). These arrangements require that agencies including the Police, Local Authorities, Registered Social Landlords, Health Boards and the Scottish Prison Service work together to assess and manage the risks posed by such offenders. The aim of MAPPA is to promote public safety and reduce the risk of harm. Allocations to individuals who are subject to these arrangements will follow on from multi agency scrutiny of assessed risk. Loreburn H A will be represented at MAPPA meetings to mitigate anyone being able to circumnavigate risk management procedures.

All cases referred through MAPPA must be referred to the Customer Engagement Manager.

9.2 Annual Lettings Plans

Loreburn works with the Homes 4 D&G Partnership to meet the requirements of the Annual Lettings Plan as prepared by Homes 4 D&G Partnership and we work to the targets published by Homes 4 D&G. The targets are used to help us measure our performance and to make sure we are transparent and accountable about the way we allocate properties and meet the needs of each group of housing applicants.

9.3 Local Lettings Initiatives

We will work with our colleagues at Homes 4 D&G to deliver against the local lettings targets and local lettings plans. Section 2 of this policy sets out the objectives we want to achieve when allocating properties. Loreburn have used those objectives to build a priority status that meets all of our legal responsibilities and prioritises the needs of applicants in a fair and consistent way. Across Dumfries & Galloway, we have different amounts of housing in each area and different levels of demand. House types and sizes, the availability of local services and the location of our homes can affect the demand for housing. Sometimes Loreburn will need to make an extra effort to encourage applicants to move to a local area and as part of this, sometimes we may use the way we allocate our homes to support local investment and regeneration plans or to make sure we have a good mix of different household types and ages. To achieve this, Loreburn may at times introduce a local lettings initiative to address a specific issue within one of our communities, e.g.:-

- in areas of low demand, we may wish to relax the bedroom criteria in order to

allow applicants to occupy larger properties;

- in flatted accommodation, we may wish to reduce the number of household with children occupying properties in order to create a balanced mix of households;
- for new build accommodation in rural locations, we may wish to give priority to local applicants who live in and contribute to the local community
- Enable an existing community to become more sustainable, for example, by encouraging more families to move into the area
- Enable sensitive lettings on schemes which have had high levels of antisocial behaviour
- Enable households to return to an area they left for redevelopment to take place

This list is not exhaustive and local lettings initiatives may be agreed in other circumstances where there is evidence that the local community would benefit from such a plan and there is no significant adverse impact on other communities. The equalities impact of site-specific local lettings schemes will be considered before they are agreed.

If Loreburn are considering whether to introduce a local lettings initiative, we will consult as appropriate e.g. with the local authority, local community and/or other partners such as Integrated Health and Social Care. Loreburn will explain clearly:

- why we feel a local lettings initiative is needed and the evidence we have used to make the decision;
- our specific aims and objectives;

All local lettings and scheme-specific plans will have clear criteria and possibly their own qualification requirements, which are openly published. When a property which is being advertised via the website and is subject to a local lettings plan, this will be stated clearly on the advert.

Any local lettings plan will be agreed for a limited time, after which it will be reviewed, and lettings will revert to the main scheme if possible.

9.4 Appeals

Loreburn is committed to providing customers with the best possible service and to working with them to find a solution to their housing need. If, however, customers are not happy with the service they have received, they can make a complaint. They may also be entitled to a formal or informal review of a decision that we've made.

Applicants may seek a review in the following circumstances:

- If they are told that they do not qualify for housing.

- they disagree with the status that has been awarded to their application
- they are told that their application has been suspended
- a decision has been made to suspend an application for 12 months if the applicant refuses two suitable property offers, through either choice-based lettings and/or direct offers.

A request for a review should normally be made in writing, **within 14 days** of the applicant being notified of the decision, and should give Loreburn as much information as possible. Loreburn will aim to complete the review within **7 days**. An applicant may find that an independent legal or specialist housing adviser can help them with the process. If the applicant cannot make a request in writing, they can ask someone else to do this on their behalf, or can telephone us and ask us to hear their case orally.

In considering whether or not to seek a review on the status an applicant has received, they should bear in mind that decisions on priority are based upon the Loreburn's assessment of the evidence placed before it. It is highly unlikely that any review will be successful where the applicants ground of review is simply that Loreburn's assessments of medical evidence should have led to a higher level of priority. Reviews will be considered by the Customer Engagement Manager, or the Director of Operations

9.5 Complaints

Loreburn are committed to responding quickly and effectively to any complaints and comments, and to use these and any compliments about the service to review and improve ways of working.

If an applicant feels that Loreburn have not lived up to our commitments to customers, then they should let us know as soon as possible. Often, it is best to tell the person dealing with their case or their manager, as that is the quickest and easiest way of dealing with things when we do get it wrong. If an applicant is not happy with the response given, or if feels uncomfortable doing this, they can make a complaint.

A complaint can be made by telephone, on our website, using our APP, in writing, by email or by someone else on your behalf. Loreburn will log the complaint and will aim to provide a response within 5 days. If the complaint is more complicated it may take longer, but the team will keep the complainant informed about what is going on.

If the complainant disagrees with the decision, they may have a right to request a review. If they have asked for a review of a decision, they may not submit a complaint, until we have completed our review.

9.6 Personal Information

Any personal information given to us as part of an application for housing under this policy will be handled according to the legal responsibilities placed on us by the Data Protection Act 1998. This means that any personal information will always be held

on a secure IT system and accessed only by authorised individuals. The information will only ever be used for the following three purposes:

- assessing a housing application in accordance with the policy;
- statistical monitoring of housing supply and demand;
- future consultation and customer surveys.

The data will not be passed to third parties unless the request is for one of the purposes stated within Part 4 of the 1998 Act. Applicants have the right to access the personal information we hold on their housing application as set out by both the Housing (Scotland) Act 1987 and the Data Protection Act 1998. Loreburn cannot unreasonably refuse requests to access personal information and only ever in specific circumstances, e.g. if providing information involved revealing details about another person without their consent. If an applicant requests to see the personal information Loreburn hold we will provide that within **40 working days**. If Loreburn incur any charges they may have to pass on the costs to the applicant.

9.7 Equality and diversity

Loreburn is committed to equal opportunities in housing. This means that we seek to ensure that priority for housing is based on housing need and that housing policies are fair to all sections of the community regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation.

We want our services to be accessible to everyone who lives or works in Dumfries and Galloway. If additional help is needed to use our services, such as to use a computer, translation and interpretation services, large print or signing, applicants should notify us.

All applicants for housing or rehousing may be asked to provide details of age, gender, ethnic origin, religion and sexual orientation. This is to allow us to assess the application properly as well as to monitor who is allocated housing, and to ensure that properties are being offered and allocated fairly.

9.8 The Scottish Housing Regulator

The Scottish Housing Regulator (SHR) is the independent regulator of registered social landlords and local authority housing services in Scotland. The SHR has a legal responsibility to: *"safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by registered social landlords (RSLs) and local authorities"*.

The SHR monitors how well landlords are delivering their housing services, managing their finances and performing good standards of governance. If needed, the SHR will intervene to make improvements where there is evidence that this is needed. Loreburn provides evidence each year that their performance meets the standards set out by the SHR in the Scottish Social Housing Charter. This means that the SHR will monitor, assess, compare and report on the performance of all landlords in relation to:-

- how easy we make it for you to apply for housing;

- how well we communicate with you and give you advice;
- how well we manage our allocations process

Loreburn are fully open and accountable for the way we allocate our housing and therefore will maintain a clear audit trail which allows us to demonstrate how and why we make decisions when allocating our homes. We will ask for approval from our Management Committee if we propose to allocate a property to:-

- one of our current employees;
- a recent employee (e.g. someone who has worked for us in the last 12 months);
- one of our Board members;
- a close relative of our staff or Board.

In giving us approval, Management Committee will satisfy themselves that a clear audit trail is in place to support the selection of the applicant before we make such an offer. Whilst we recognise that councillors play an important role in supporting their constituents and monitoring letting outcomes their role is restricted by legislation which states that councillors must not be directly involved in any decision on the allocation of housing in the electoral division or ward they are responsible for (Housing (Scotland) Act 1987 as amended by the Leasehold Reform, Housing and Urban Development Act 1993). This does not mean that councillors cannot provide information in support of and on behalf of constituents' housing applications.

10 Management of the Choice Based Letting Policy

10.1 Monitoring and Policy Review

Monitoring will be used to ensure:

- Those in the 'reasonable preference' categories are given priority for housing
- Lettings are broadly proportionate to the profile of local communities
- Lettings within 'the Bands' accords with the stated aims of the policy
- Customers in special needs groups are successfully accessing housing.
- There is overall customer satisfaction with the scheme.

The policy champion is the **Director of Operations** and the policy will be reviewed **6 monthly** or as required due to legislative or regulatory change. The review will be completed by the Policy Champion and circulated to the Executive Management Team for approval.

10.2 Staff training and development

The successful implementation of the CBL policy and supporting procedures is dependent on the knowledge and skills of staff implementing it. Regular training will be provided to relevant staff to ensure a consistent approach and ensure they can carry out the roles and duties linked to the application of this policy effectively.

