

THE MORAY HOUSING PARTNERSHIP

Allocations Policy

Date Agreed 26th May 2011

1. Scope of Policy

- 1.1 This policy describes the activities and responsibilities involved in the maintenance and management of the Moray Housing Partnership's active housing register, based on housing need and the process of allocating properties to applicants from the waiting list.
- 1.2 This policy therefore explains:
- who can join the Partnership's register;
 - the process of making an application for housing;
 - how applicants can choose where they want to live;
 - who can be considered for different types of properties in order to make best use of available properties;
 - how priority is given;
 - the Common Housing register.

2. Context

- 2.1 Moray Housing Partnership is committed to allocating its properties with openness and transparency.
- 2.2 This Allocations Policy is set in the context of the Performance Standards for social landlords and homelessness functions document published jointly in November 2001 by Communities Scotland, COSLA and the SFHA. The Standards came into effect in April 2002, were reviewed in 2006 and adopted by the Scottish Housing Regulator in 2009. The Standards are organised into 20 Guidance Standards and 33 Activity Standards.
- 2.3 Section 79 of the Housing (Scotland) Act 2001 provides Scottish Ministers with the power to set standards and the publication of the Performance Standards document forms the key reference point for the Single Regulatory Framework.
- 2.4 The principles of this Policy take note of and reflect the Guiding Standards that underpin the principles of service delivery.
- 2.5 The objectives of this policy reflect the key functional areas that The Scottish Housing Regulator Scotland will regulate and inspect and the Policy is therefore set in the context of the following Activity Standards;

- AS1.1 Access to Housing** **We ensure that people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing.**
- AS1.2 Lettings** **We let houses in a way that gives reasonable preference to those in greatest need; makes best use of available stock; maximises choice; and helps to sustain communities.**
- AS1.3 Tenancies** **We offer the most secure form of tenancy compatible with the purpose of the housing. The agreement makes clear the rights and duties of the tenant and the landlord. We act to uphold these rights and duties in a fair and responsible manner.**

3. Principles and Objectives

3.1 The principles of this policy are:

- to contribute to the alleviation of homelessness in Moray;
- to help promote stable, balanced, safe and sustainable communities;
- that the Policy is fair and transparent and that information on the operation of the Allocations Policy is published and available to all stakeholders, without disclosing individual personal information;
- that the Policy operates within the legislation and good practice framework;
- that the Policy operates in a consistent manner based on housing need and that all applicants with similar circumstances are assessed in a similar manner to achieve similar outcomes;
- that the Policy is responsive to a wide range of complex individual needs and circumstances;
- that the Policy does not discriminate between applicants on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- that Moray Housing Partnership work pro-actively with The Moray Council and other housing providers to ensure best use of the housing stock and that housing need in Moray is met.

3.2 The objectives of this policy are:

- to work within the parameters of the Moray and Aberdeenshire Common Housing Register (Apply4homes) to ensure that local housing need is addressed, taking account of applicants' housing aspirations;
- to make best use of the housing stock.
- to maintain an open waiting list for all applicants over the age of 16;

- to empower applicants for housing to make genuine choices about the type and location of their future home;
- to assist with mobility for family, health or employment reasons;
- to assess all applications in an open, consistent and fair manner complying with legislation and best practice;
- to give reasonable preference to those in greatest housing need as defined by legislation;
- to ensure that information detailing the principles and practices of the Allocations Policy is available to all stakeholders and applicants in plain language that is clear and understandable and appropriate for their method of communication ie main language, Braille, large print or audio tape;
- to ensure that all applicants have a clearly stated right of appeal against any decision made within the context of the Allocations Policy and that information is freely available for them to understand the process of making such an appeal;
- to monitor and report to Moray Housing Partnership's Committee of Management performance on a quarterly basis ensuring that changes in housing need are identified and that these changes are addressed in an annual review of the Allocations Policy; and
- that staff are trained to ensure that they are equipped to carry out the delivery of the service and that detailed procedures are in place to facilitate and efficient and effective service.

4. Legal Framework

4.1 This Policy has been formulated taking account of legislation as follows:

- The Housing (Scotland) Act 1987 (as amended);
- The Housing (Scotland) Act 2001;
- The Human Rights Act 1998;
- The Freedom of Information (Scotland) Act 2002;
- The Data Protection Act 1998;
- Anti Social Behaviour Act (Scotland) 2004;
- The Disability Discrimination Act 1995 (as amended);
- The Nationality, Immigration and Asylum Act 2002;
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981;
- The Civil Partnership Act 2004;
- The Family Law (Scotland) Act 2006;
- Protection from Harassment Act 1997;
- The Race Relation Act 1976 (as amended); and
- The Sex Discrimination Act 1975 (as amended)
- The Housing (Scotland) Act 2006
- The Housing (Scotland) Act 2010
- Homelessness etc (Scotland) Act 2003
- The Nationality, Immigration and Asylum Act 2006
- The Equalities Act 2010

5. Common Housing Register

- 5.1 Moray Housing Partnership is working with The Moray Council Aberdeenshire Council, Langstane, Grampian, Castlehill, Aberdeenshire Housing Partnership and Hanover Housing Associations to provide a single housing register for Moray and Aberdeenshire, known as Apply4Homes. This is the gateway to all social rented housing in Moray through the completion of a single application form. Moray Housing Partnership will provide information to applicants on other housing options and how to contact other housing providers.
- 5.2 The Common Housing Register (CHR) aims to maximise access to local housing whilst minimising duplication of effort through the use of a single application form, a single register and, where appropriate, and with the applicant's consent, shared information.
- 5.3 The applicant can indicate their chosen housing provider by completing the Housing Application Form.
- 5.4 The participating Landlords each allocate their properties according to their individual policies. Moray Housing Partnership has a Nomination Agreement in place with the Moray Council (Section 19.4 of this Policy refers) and offers 50% of all relets to the Council in accordance with the criteria stated in this Policy.

6. Acceptance of Applicants to the Housing Register

- 6.1 Moray Housing Partnership will accept applications for housing from anyone aged 16 years and over who wish to be housed by the Partnership. This includes existing tenants of the Partnership who wish to transfer from one Moray Housing Partnership property to another.
- 6.2 Where an applicant declares that he/she is a registered sex offender, MHP will approach Moray Council's Sex Offenders Liaison Officer (SOLO) to ensure that a risk assessment will be carried out before making any decision to house.

7. Applicants who have a connection with the Moray Housing Partnership

- 7.1 Any applicant who is a 'relevant person':

a committee member; or
a former committee member (in the previous 12 months); or
a staff member; or
a previous staff member (in the previous 12 months); or
a close relative of any of the above*

must complete full details in the declaration at the end of the housing application form. The application will be considered along with all other applications and may be granted a tenancy, but declarations ensure that the requirements of the Housing (Scotland) Act 2001 Schedule 7 Part 1 are met.

*A “close relative” is defined as parent, grandparent, child, stepchild, spouse, co-habitee (whether of the same or different sex).

- 7.2 Any application from a ‘relevant person’ will be notified to MHP’s Committee of Management for approval before being allocated a property.
- 7.3 The person with whom the applicant has a connection will have no involvement in or influence over the allocation.
- 7.4 Any allocation which is subject to Schedule 7 will be recorded in the Schedule 7 Register.

8. People from outwith the United Kingdom

- 8.1 Anyone subject to immigration control must declare this on the Housing Application Form.
- 8.2 They will be assessed in terms of the Housing (Scotland) Act 1987 (as amended) and in accordance with the Nationality, Immigration and Asylum Act 2002 as amended by the 2006 Act and associated directives issued by the European Parliament.
- 8.3 Such applicants may be included in the Housing Register but will be required to provide evidence of status before eligibility for Moray Housing Partnership accommodation can be confirmed. Evidence of status for eligibility may include a passport or identification card and, where necessary, evidence of employment.

9. Exclusion and Suspension from the Housing register

- 9.1 The Housing Scotland Act 2001 does not allow for exclusion from the waiting list except where the:
 - applicant has died.
 - applicant has requested removal from the list.
 - failure of the applicant to respond to a review.

Moray Housing Partnership reserves the right to suspend applicants from receiving offers in certain circumstances. These will be kept to a minimum and where applied, the applicant will be sent a letter explaining the grounds and the likely length of suspension.

9.2 Moray Housing Partnership will investigate the circumstances and suspend applicants from receiving offers where there is a demonstrable history of unacceptable behaviour. This is defined as:

- Applicants who have been evicted within the previous 5 years for anti-social behaviour from any RSL or local/public authority within the United Kingdom.
- Decree for possession of their house has been granted, within the previous 3 years, on the grounds of anti-social behaviour but the applicant left prior to the eviction taking place.
- If the applicant, or any member of their household, is or has been the subject of an Anti Social Behaviour Order (ASBO) within the past 3 years.
- The applicant or members of the household have caused nuisance or harassment in the vicinity of the property.
- The applicant has used the property for illegal purposes, likely to either endanger or cause serious nuisance or harassment to neighbours.
- The applicant or member of the household has been racially abusive.
- The applicant has caused significant damage to the property.
- The applicant has been abusive or violent towards employees of the landlord.

9.3 When an application is received from someone to whom one of the above applies the application will be temporarily suspended to allow enquiries to be made.

9.4 The applicant will be notified of the suspension, that exclusion from receiving offers is being considered and given 28 days to provide any additional information to assist in the decision making process.

9.5 The applicant will be notified of the decision, the reasons, any action he/she has to take in order to have it lifted, and their right to request a review of the decision (Para17).

9.6 Where an applicant's past behaviour has been of concern:

- The applicant will be temporarily suspended to allow enquiries to be made;
- If there is no evidence of unacceptable behaviour the application will be processed as normal;
- If there is evidence of unacceptable behaviour the applicant will be notified that further suspension from receiving offers or alternative action (including requirement to work with support services) is being considered and given 28 days to provide any additional information to assist in the decision making. The applicant will remain suspended during this process.

- The housing officer will investigate to establish the following:
 - ❖ Is there hard evidence of the unacceptable behaviour rather than hearsay;
 - ❖ Is the unacceptable behaviour sufficient to meet one of the grounds for possession in Schedule 2 (part 1) of the Housing (Scotland) Act 2001;
 - ❖ Requests for references will be sent to previous landlords etc and inquiries made of any RSL or Local Authority with whom the applicant had a tenancy.

9.7 Following completion of the investigations, the applicant will have the suspension lifted and notes placed on the application indicating the need to allocate sensitively. Certain specific vacancies may not be offered to applicants whose past or present behaviour indicates that tenancy sustainability issues would present in that property. The application will be considered for all suitable vacancies, in order to allow the allocation of a tenancy the maximum chance of success.

9.8 The applicant will be notified of decisions, the reasons, the duration of any suspension, any action he/she has to take in order to have it lifted, or changed and their right to request a review of the decision (Para17).

10 Applicants with debts to Moray Housing Partnership

10.1 No applicant will be excluded from the list on the grounds that they have rent arrears on a current or former tenancy with Moray Housing Partnership or another landlord.

10.2 Former tenants of Moray Housing Partnership with housing debts over one twelfth of the annual rent receivable or where 12 weeks payment was missed will be assessed for suspension from receiving offers until such time as the debt is cleared, or a repayment agreement has been made and adhered to for at least three months and continues to be maintained.

10.3 Transfer applications from existing Moray Housing Partnership tenants will be based on their need for rehousing. However they will not be made an offer while there are outstanding rent arrears unless a repayment agreement has been made and adhered to for at least three consecutive months, and continues to be maintained.

10.4 All applications where a debt to Moray Housing Partnership exists will be assessed for suspension from receiving offers.

10.5 An applicant may also be suspended from the list to allow investigation where there is reason to believe:

- The applicant has given false information in their application for housing

- The applicant has been verbally or physically abusive to Moray Housing Partnership staff, or has offered inducement to enhance their position on the list, or obtain a tenancy.

11 Transfers

11.1 Applicants who apply to transfer from one Moray Housing Partnership property to another Moray Housing Partnership property will be assessed by a home visit from a Housing Officer on the following criteria:

- Condition of internal decoration
- Condition of garden
- Outstanding repair items deemed to be the tenants responsibility
- Standard of DIY work
- Other breaches of tenancy conditions

11.2 Failure to meet any of the conditions within 12.1 above will mean that the application for transfer is suspended from receiving an offer of another property until such time that they are remedied and re-assessed by a second home visit. Notes will be placed on the application indicating the aspects of their current tenancy conditions which require action prior to any allocation being made.

11.3 Confirmation of the assessment giving details of the reasons for a refusal will be given in writing to the applicant 28 days from the date of the home visit. Tenants will also receive written details of how they can remedy the situation or appeal the decision.

12. Change of Circumstances

12.1 Applicants whose circumstances change from those given on their application form must inform the Partnership in writing.

12.2 Their application will be re-assessed on the basis of their new circumstances and points awarded accordingly.

12.3 If an applicant fails to inform the Partnership of any change in their circumstances and an offer is made based on the information in their application form, the offer will be withdrawn pending re-assessment.

13. Worsening of Circumstances

13.1 In completing the application form the applicant will be required to give details of previous accommodation over the last five-year period.

13.2 If an applicant has given up accommodation which he/she could reasonably have continued to occupy the applicant may be asked for evidence of good grounds for such a move.

- 13.3 If it is considered that an applicant has purposely worsened their housing circumstance to obtain a higher priority, a report will be prepared and presented to the Committee of Management for the final decision to suspend from receiving offers, or apply a priority banding which reflects the applicant's original circumstances.
- 13.4 Following the Management Committee's decision the application will be reinstated from the date of the application, at the appropriate banding.
- 13.5 The applicant will be notified of the decision, the reasons any action he/she has to take in order to have it lifted, and their right to request a review of the decision (Para17).

14. False Information

- 14.1 The application form includes a declaration to say that all the information provided on the application form is true and correct. All applicants must sign this declaration before their application will be processed.
- 14.2 If an offer of a tenancy is made as a result of false information or knowingly misleading/withheld information (including an omission) Moray Housing Partnership will withdraw the offer and cancel the application.
- 14.3 If it is subsequently discovered that an applicant has obtained a tenancy on the basis of such false information Moray Housing Partnership will take action to recover possession of the property.

15. Personal Information/Confidentiality

- 15.1 All information provided by an applicant will be regarded as confidential.
- 15.2 In certain circumstances Moray Housing Partnership may require to discuss an applicant's details with another agency (eg Medical Profession, Housing Benefit and Council Tax, Social Services Dept or with relatives where support is being given/received). Moray Housing Partnership personnel will only give this information where authority has been granted by the applicant in writing. However, refused permission/authority may result in the Moray Housing Partnership having to suspend or cancel an application.
- 15.3 Information given by applicants on the housing application form may be used by the Moray Housing Partnership for statistical analysis and for performance monitoring. Applicants give their consent to this when signing and submitting the housing application form. Applicants are advised that the information which they give on the housing application form may be used for such purposes in accordance with the principles of the Data Protection Act 1998.

- 15.4 Moray Housing Partnership is registered under the Data Protection Act 1998 allowing it to maintain computer and manual records of applicants' details. In accordance with the Act all applicants have a right of access to such data.
- 15.5 Moray Housing Partnership undertakes to provide this information on request within 2 working days. A charge of £10 will be made to cover administration costs.

16 Lettings Initiatives

16.1 Moray Housing Partnership will at all times endeavour to make best use of housing stock to alleviate homelessness and promote sustainable tenancies by providing the most appropriate accommodation for applicants and their families, while giving reasonable preference to the following people who:

- are Homeless or threatened with homelessness;
- are living in houses which do not meet the tolerable standard;
- are living in overcrowded houses;
- have large families;
- are living under unsatisfactory housing conditions.

16.2 In order to meet this undertaking, and assist in maintaining balanced communities, Moray Housing Partnership may identify a need in individual schemes for the introduction of a lettings initiative. Where there is:

- no provision of individual secure gardens, preference may be given to families without children under the age of 10.
- A high proportion of tenants with a variety of support needs, preference may be given to those whose support needs are minimal.
- or very low demand for a vacancy, the property may be advertised on Moray Housing Partnerships website or in the press as appropriate to the individual vacancy.

17. Appeals and Complaints

17.1 Moray Housing Partnership Complaints Policy details the procedure available for any applicant who is not satisfied with the way in which their application has been dealt with.

17.2 A copy of the Moray Housing Partnership Complaints Policy and Procedure is available on request.

17.3 An applicant who wishes to appeal against a decision on any aspect of their application may make a formal written appeal to The Chief Executive, who will prepare a report to Moray Housing Partnership's Committee of Management, detailing the background and reasons for decision.

17.4 The Committee of Management will consider the case and review the decision.

17.5 An applicant has a right to pursue any complaint of maladministration in relation to a housing application with the Scottish Public Services Ombudsman.

18. Review of Moray Housing Partnership's Housing Register

18.1 Until the Common Housing Register review process supersedes Moray Housing Partnership's process, the Housing Register will be reviewed each year in February. All applicants receive written notification (and pre-paid reply envelope) of the review and will be asked to confirm whether or not they wish to remain on the Register in writing within 14 days. They will also be given the opportunity to advise Moray Housing Partnership of any amendments to their original application. One reminder letter will be sent giving a further 14 days for a response. Failure to respond to the review within 14 days and/or to the reminder will result in the application being removed from the Register.

19. Housing Register Groups and Quotas

19.1 The Housing Register is made up of both new applicants and current Moray Housing Partnership tenants who wish to transfer.

19.2 All applications will be processed within 5 working days and placed on the Housing Register.

19.3 The ratio of allocations made between new applicants and transfer applicants will be determined annually by the Moray Housing Partnership's Committee of Management.

19.4 Moray Housing Partnership has a Nominations Agreement with The Moray Council, which agrees that 50% of properties that become vacant in the year are offered to The Council for nomination from their waiting list.

19.5 Nominations from the Council are accepted on the grounds that they meet the criteria stated in this Policy (Section 21).

19.6 Moray Housing Partnership and The Moray Council have a protocol in place detailing the specific arrangements for Section 5 referrals (Housing (Scotland) Act 2001 (**Appendix 1**)).

20. Assessment of Priorities for Housing

20.1 Within 5 working days of receipt of a completed application form the applicant's housing need will be assessed and housing need points awarded.

20.2 Housing Need points are awarded for the following:

- Homelessness
- Insecurity of Tenure
- Medical Priority
- Overcrowding
- Social Needs
- House Conditions
- Under occupation
- Sharing

20.3 The Housing Need points are subdivided into four bandings:

- A** Urgent Need for Housing
- B** Critical need for Housing
- C** Non Urgent Need for Housing
- D** No Housing Need

20.4 An applicant's place on the Housing Register will be determined by the number of housing needs points awarded based on the circumstances detailed in their application form and which Priority Band they qualify for.

20.4 Levels are included within the Priority Bands including Medical Need, Social Need and Insecurity of Tenure Levels.

20.5 The applicant will be informed in writing within the 5 working days of the points awarded and the priority band they are in, based on the information supplied in the application form.

21. Housing Need Points

Priority band		Points	
Band A	Urgent Need for Housing	500	
Band B	Critical Need for Housing	250	
Band C	Non Urgent Housing need	150	
Band D	No Housing Need	0	

21.1 **Band A Urgent Need for Housing 500 points**

- **Homelessness:** Where The Moray Council has assessed the applicant is statutory homeless under the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001.
- **Medical Need (Level 1):** Where the applicant or a member of their family's medical condition makes it impossible for them to leave hospital due to the unsuitability of their present home.

- **Social Need (Level 1):** Where an applicant or a member of their family is at serious risk of violence/abuse or exploitation and this is supported by the Police.

Where rehousing is required to enable a person to be discharged from an institution or prison and this is substantiated by evidence from a professional agency.

Where an applicant is a young person in the care of the Local Authority and is now required to move into independent living. The young person will only be considered under Band **A** if the Agency referring the applicant can supply a support package for a minimum of 6 months at the start of any tenancy.

Where a family has previously lived together as a family unit and their current housing situation means that this family unit is now split (separated).

21.2 **Band B Critical Need for Housing** **250 points**

Applicants will be placed in Band **B** if their circumstances reflect more than one of the following:

- **Overcrowding:** Applicants who lack the following:

Adults: 1 bedroom for each adult 16 or over who is not part of a cohabiting couple.

Children:

- a) A child of 5 years or above who shares with another child of the opposite sex.
- b) A child who is over 10 years of age who is sharing with a same sex child of any age (no more than 2 children should share any one bedroom (any age, any sex).
- c) Applicants whose circumstances include more than one of the above criteria will be placed in Band B

- **Shared Facilities:** A person/s living in accommodation lacking any or all of the amenities or does not have sole use of the following:

- Toilet
- Bath/shower
- Kitchen
- Hot water

- **Insecurity of Tenure:**
 - Persons of no fixed address;
 - A private tenant or homeowner who has been served with a repossession order;
 - A lodger or subtenant who has been asked to leave (on written evidence);
 - A person/s living in a mobile home, which does not have planning permission (**Level 2**).

- **Disrepair/Below tolerable Standard:** A person living in a property or static caravan or chalet which they consider to be in a state of disrepair, and on investigation Moray Housing Partnerships Officers have assessed the property as lacking basic amenities or that the property has serious/major elements of repair work needed to bring it to a habitable standard. This includes heating, ventilation and wiring.

- **Medical Need (level 2):** Where the applicant or a member of their family's health is made worse by their current home and rehousing would improve it, for example an elderly person with a heart condition who cannot climb stairs.

- **Under Occupation:** An applicant who is a current MORAY HOUSING PARTNERSHIP tenant and wishes to transfer to a smaller property because they have at least one bedroom too many for their current need.

- **Social Need (Level 2):** Where an applicant needs to move for fear or risk of violence, harassment and exploitation.

Rehousing will avoid admission to residential care or an institution.

21.3 **Band C Non Urgent Housing need 150points**

Applicants will be awarded 150 points and placed in Band **C** if their circumstances match one of the criteria listed under Band **B** or additionally one of the factors below:

- **Medical Needs (level 3):** Where the health of the applicant or a member of the applicant's family is made worse by the location of their home or by the facilities within it eg an asthma sufferer living in a property with warm air central heating.

- **Social Need (level 3):** This is awarded for the following circumstance:
 - General nuisance or anti-social behaviour
 - A need to live close to a specialist centre, school or work
 - Families with children and have no garden.
 - Rehousing would support the carers of an individual.

- A parent who has a proven overnight access arrangement to their children who do not reside permanently with them.
- **Under Occupancy:** Current tenants of a registered social landlord with properties in Moray, or neighbouring Local Authority where by moving to a smaller property will free up a family home with 1 or more bedrooms surplus to their needs.

21.4 **Band D No Housing Need 0 points**

This applies to applicants who want to move but are assessed as having no need to move other than their desire eg a single person in a one bedroom flat with a secure tenancy.

22. **Priority within each Band**

22.1 Each Band will be organised in date order with the person who has been waiting longest at the top.

22.2 Applicants who are re-assessed and their priority increased will move up a Band. The date on which the reassessment takes place will be the date which determines their place on the Housing Register within the appropriate Band.

22.3 Applicants who are re-assessed and their priority reduced will move down a band, however they will retain their original date of application.

23. **Assessment of Medical Need**

23.1 If an applicant or a member of their household needs re-housing due to health needs a Medical Assessment Form (**Appendix 2**) must be completed.

23.2 A home visit may be arranged if necessary to investigate and substantiate the medical needs declared on the form.

23.3 The Housing Officer will also request that applicants provide any supporting reports from Care Managers, GP's, Consultants and Occupational Therapists (**Appendix 3**). If the Housing Officer carrying out the home visit is unable to substantiate the claim then the applicant will be advised that medical points will only be granted on the evidence found.

23.5 Medical priority is only awarded if:

- An applicant or a member of their household's health is made worse by their current home and it is likely to be improved or suffering alleviated by re-housing into more suitable accommodation.
- An applicant or a member of their household's medical condition means that their current home is unsuitable eg they cannot manage stairs up to a bedroom or bathroom.

23.6 Medical Priority is divided into the following levels:

- LEVEL 1** The applicant or a member of their household, need re-housing urgently. This is defined as: the sufferer's present housing is completely unsuitable for their medical condition. The quality of the sufferer's life is seriously limited and would be greatly improved by moving to more suitable accommodation eg if the applicant's home was not accessible for a wheelchair user and could not be adapted for wheelchair use.
- LEVEL 2** The sufferer has a serious medical condition, which would be improved by moving to more suitable accommodation eg an asthmatic whose current home is heated by warm air central heating.
- LEVEL 3** Re-housing not urgently required and minor adaptations to the applicant's home can be made to alleviate the circumstances.
- LEVEL 4** If the home visit indicates that there are no substantial difficulties with the present accommodation and no evidence to the contrary is forthcoming.

23.7 Applicants will be informed in writing of the outcome of the medical assessment. If they disagree with the assessment they have a right to appeal against the decision through the Partnership's Complaints and Appeals Policy.

23.8 Unless there has been a significant change in circumstances only one medical assessment in any twelve month period will be undertaken.

24. Assessment of Social Need

24.1 Social Need Priority is awarded to applicants as follows:

- They need to live near a relative to give or receive support.
- A member of their household attends a specialist school or centre.
- They have recently gained employment in another part of Moray and travelling or child care is difficult
- They are experiencing problems with anti-social behaviour in the area where they live; priority will only be given in circumstances where Anti Social Behaviour procedures have been used to try to resolve the problems and if there is a risk to the applicant or their household if they remain in their current home.

24.2 Social Need Priority will only be awarded where other supporting information has been obtained to substantiate the claims.

Social Priority is divided into the following levels:

LEVEL 1 Urgent Social Need – the safety of the applicant or a member of their household is threatened if they continue to live in their current home or neighbourhood.

LEVEL 2 Medium Need – it is unreasonable to expect an individual to tolerate the situation for a prolonged period.

LEVEL 3 Low-Non Urgent Need – the circumstances have been reported but do not meet the criteria of 1&2 above.

LEVEL 4 Following assessment no social need has been identified or substantiated.

25. Assessment of Disrepair

25.1 Moray Housing Partnership will award priority to applicants where their current accommodation is assessed by officers under the following criteria or where their current accommodation has been assessed by the Moray Council as Below Tolerable standard:

- No inside toilet
- No fixed bath or shower
- No piped hot water supply
- No adequate cooking facilities
- No wash hand basin
- Rising Damp or penetrating dampness
- Structural defects.
- No satisfactory provision for natural and artificial lighting, ventilation, and heating.

26. Insecurity of Tenure

26.1 Priority for Insecurity of Tenure is divided into the following:

LEVEL 1 Statutory Homeless

LEVEL 2

- Persons of no fixed address:
- A private tenant or homeowner who has been served with a possession order.
- A lodger who has been asked to leave (on written evidence).

LEVEL 3 Applicants living in tied accommodation that are forced to leave as a result of unemployment or retirement. Applicants who are sharing with friends or relatives on a temporary basis (sons and daughters still living in the family home are excluded).

LEVEL 4 Following assessment no priority is given.

27. Overcrowding

27.1 Moray Housing Partnership defines overcrowding as a household who have insufficient bed spaces for their needs.

27.2 Therefore adequate accommodation/bed space as defined by the Partnership is:

- A separate double bedroom for:-

Co-habiting couples of the same or opposite sex

Two children of the same sex under 10 years of age where the age difference is less than 5 years.

Two children of different sex under 5 years of age.

- A separate single bedroom for:-

Any child over 10 years of age.

27.3 Moray Housing Partnership will allocate 2 bedrooms to couples (of the same or opposite sex) where there is evidence of need, but do not count a couple in one bedroom as having insufficient bed spaces.

27.4 Moray Housing Partnership will disregard public rooms such as living rooms or kitchen when assessing overcrowding priority.

27.5 A single applicant in a bedsit will not be regarded as overcrowded.

28. Under Occupancy

28.1 Moray Housing Partnership will only award level 1 priority to current tenants of the Partnership. Tenants of a registered social landlord with properties in Moray or neighbouring or Local Authorities will be awarded a level 2.

29. Relationship Breakdown

29.1 In the case of a relationship breakdown with applicants who have been living as spouses or co-habitees (whether of the same or different sex) but who no longer wish to be considered for a joint tenancy, a separate application will be accepted from each party. Each will retain the original date of their joint application.

29.2 In the case of current MORAY HOUSING PARTNERSHIP joint tenants, when a relationship breakdown occurs the couple must agree between themselves who will retain the tenancy, having due regard to the Matrimonial Homes (Family Protection) (Scotland) Act 1981, where appropriate.

- 29.3 Where a relationship breaks down and the Act does not apply ie where the tenants have been living as spouses or co-habiting (whether of the same or different sex) the same provisions apply.
- 29.4 An application for housing may be submitted by the tenant relinquishing the tenancy.
- 29.5 Where it is relevant, the Partnership will require verification (from a Court or Solicitor) of any custody arrangements relating to children involved in a relationship breakdown.

30. Management Discretion

- 30.1 In certain circumstances applications for housing may display elements of housing needs in all categories which fall outwith the criteria of this Allocations Policy. On the discretion of the Chief Executive, a full report must be given to the Committee of Management before an allocation is made. The Committee of Management after accessing and discussing the report will decide the Band and level for the particular application.

31. Performance Monitoring

- 31.1 Moray Housing Partnership will monitor and report annually on the following:
- Equal opportunities information
 - The number of applicants and transfers registered
 - The number of allocations carried out
 - The level of priority
 - The number of allocations falling outside the policy which were reviewed by Committee of Management and the outcome of the review
 - The number of appeals
 - The number and result of any TMC nominations
 - The number of new applications and transfers
- 31.2 Moray Housing Partnership will monitor and report quarterly on the following:
- The number and reason for refusals
 - The number of mutual exchanges agreed
 - The number of accepted and refused TMC nominations
 - Performance of admittance to the Housing register from application
 - The number of Section 5 referrals from The Moray Council
- 31.3 Moray Housing Partnership will review the operation of the Allocations Policy on an annual basis. The review will include consultation with members of the Committee of Management and tenants on the Registered of Interested Tenants Register.

**NM4
Nomination Agreement – Appendix 3**

Protocol in respect of S5 of the Housing (Scotland) Act 2001

1. Introduction

This purpose of this protocol is to detail the specific arrangements between Moray Housing Partnership (MORAY HOUSING PARTNERSHIP) and the Council in respect of S5 of the Housing (Scotland) Act 2001. It forms part of a nomination Agreement agreed between MORAY HOUSING PARTNERSHIP and the Council.

2. Scope of the Protocol

The protocol will apply to MORAY HOUSING PARTNERSHIP'S accommodation in the Moray area and relates in addition to re-lets, all new build properties that have been specifically adapted to the requirements of households with special needs. Where MORAY HOUSING PARTNERSHIP has special arrangements with specialist agencies, it is expected that such agencies will liaise with the Council in allocating vacancies.

3. Information and Liaison

This will be made in accordance with paragraph 3 of principle Nomination Agreement.

4. Procedure

Referrals will be made via the procedure indicated at paragraph 4 of the principle Nomination Agreement. The Council should clearly indicate where a nomination represents a S5 referral.

In making a referral, the Council will have regard to the following:

- Lets which are not sensitive to local circumstances (eg where a clash in lifestyles might arise).
- Stock designation (eg sheltered / unsuitable for children / amenity).
- Referrals where the applicant has no desire to live in the area.
- Where an applicant was recently evicted on grounds of anti social behaviour by an RSL, a referral that would result in that household being housed in the immediate neighbourhood where their previous tenancy was located.
- Support needs of the referred household.

When receiving a referral, the MORAY HOUSING PARTNERSHIP will provide the Council with a response within five working days of receipt. This response will detail clearly one of the following:

- That it will comply with the request and an offer will be made to the subject household.
- That it will not comply and that it had good reason not to do so and any reason(s) is/are clearly indicated.

Where an offer is made MORAY HOUSING PARTNERSHIP will indicate to the Council what the outcome of that offer is within two working days of the applicant's decision.

It will be the Council's responsibility to assess whether any reason for refusal of an offer made is reasonable or not and how that affects any homelessness priority. If the refusal can be addressed by remedial action on the part of MORAY HOUSING PARTNERSHIP, then it is expected that this will be fully considered by MORAY HOUSING PARTNERSHIP.

5. Non Compliance

Upon receipt of MORAY HOUSING PARTNERSHIP'S response that it will not comply, the Council will consider the reason(s) given for non-compliance. If the Council considers that the reason(s) given are not acceptable then a meeting should be arranged between MORAY HOUSING PARTNERSHIP and the Council within three working days. This meeting will aim to reach an outcome regarding the referral that was the subject of the non-compliance. The outcome will, it is expected, be one of the following:

- Compliance by MORAY HOUSING PARTNERSHIP and an offer made within a mutually agreed time-scale.
- Acceptance by the Council of the reason(s) for non-compliance.
- Action by either party leading to compliance (eg putting in place support).
- Agreement by MORAY HOUSING PARTNERSHIP to make an offer of the next suitable alternative vacancy.
- Continued non-compliance and referral to arbitration.

6. Arbitration

This process is to be conducted in accordance with the Communities Scotland statutory guidance contained within CSGN 2002/12 issued in September 2002.

Appointment

The Council and MORAY HOUSING PARTNERSHIP will agree on whom to appoint as the arbiter. Once both parties have agreed which arbiters will be called upon to provide this service and these parties are listed in Schedule 1 to this protocol.

A joint letter of appointment will be sent and the Council and MORAY HOUSING PARTNERSHIP agree to be jointly and severally liable for the arbiter's fees. Any arbiter appointment will be provided with:

- Section 5 and 6 of the Housing (Scotland) Act 2001.
- Scottish Executive guidance on good reason as defined within S5 of the above Act.
- Communities Scotland guidance on homelessness arbitration.
- Other relevant areas of housing and homelessness legislation.

Alternatively the Council and MORAY HOUSING PARTNERSHIP agree to appointment of a suitably qualified arbiter by the Chartered Institute of Arbitrators.

Costs

The Arbitrator will determine on the award of costs to MORAY HOUSING PARTNERSHIP and the Council according to the facts put before them. This includes awarding all costs against one party if this is considered by the arbiter to be justified.

Information

At the commencement of arbitration, the arbiter should be provided with details of the original request by the local Council, the response from MORAY HOUSING PARTNERSHIP and any other supporting information provided by either the Council or MORAY HOUSING PARTNERSHIP in connection with the request for housing of a homeless person the Council and MORAY HOUSING PARTNERSHIP are free to provide more information. The arbiter may request additional information to assist with any deliberation.

Where the views of the homeless person to which the dispute relates have been taken into account by MORAY HOUSING PARTNERSHIP or the Council, these views should be included as evidence submitted to the arbiter. The arbiter will consider the Council's and MORAY HOUSING PARTNERSHIP'S submissions and evidence; act fairly and impartially; and act according to the law. However, it is worth bearing in mind that the arbiter:

- will, in most cases, decide the case solely on the argument and evidence presented by the local authority and the RSL;
- will not normally receive information about the case from anybody else; and
- Is not an investigator. Therefore, (s) he will work on the facts as presented rather than trying to uncover new facts.

It is, therefore, in the interest of both parties that the case is stated clearly and that all relevant supporting documents are provided.

Matters for decision by the arbiter

The arbiter will only deal with matters referred to in the original request. S(he) will not be able to arbitrate on any additional requests. However, both parties may agree with the arbiter at the preliminary meeting, if there is one, to alter the matters that will be arbitrated, particularly if agreement on any of them has been reached.

Conduct of arbitration

In the interests of both time and costs, homelessness arbitration will normally be conducted on the basis of documents provided by the Council and MORAY HOUSING PARTNERSHIP. However, if the arbiter considers it necessary, the arbitration may involve a hearing to provide both parties with an opportunity to explain points of view in person. The hearing should, in most cases, be limited to a half day.

Documents-only arbitration

On a specific date agreed by all parties, but not later than 7 days, after his or her appointment the arbiter will consider all the documents and other evidence that has been given. Both parties should also receive copies of all the documents and evidence submitted.

Hearing

The arbiter should agree a time and a place convenient to both parties, and should also fix a time limit for each part of the hearing. Both parties will present their case, the local authority first. The arbiter may ask questions to clarify understanding. Each party will then have the right of reply and may be questioned by the other party and the arbiter. The arbiter will summarise the facts of the case. Both parties should be able to record any disagreement with the summary.

Where the reasons for refusal of MORAY HOUSING PARTNERSHIP to comply with the Council's request directly related to the personal circumstances of the homeless person, the arbitration should take into account the personal circumstances in question. The arbiter may seek evidence from the parties that the homeless person's views have been taken into account. If the arbiter wishes to take evidence from the homeless person, the Council should make arrangements for attendance at arbitration by that person.

Stopping the arbitration

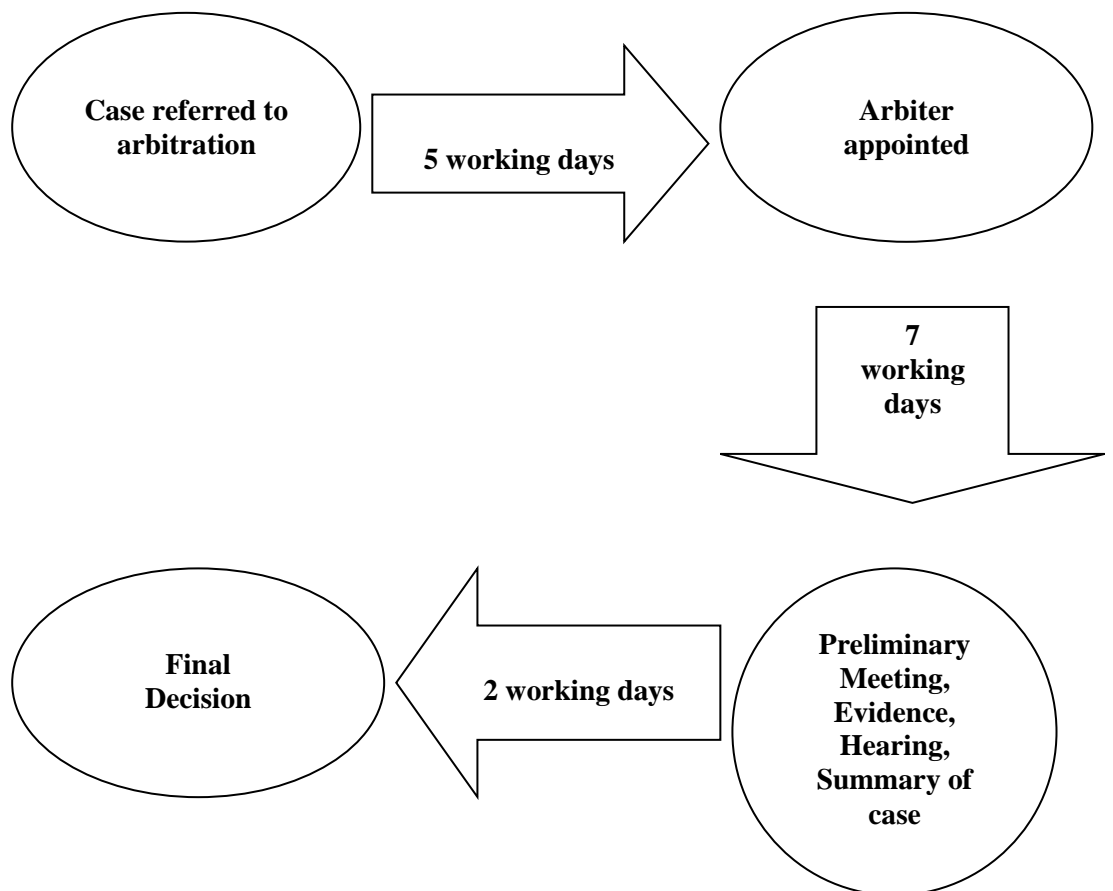
It is open to the parties to negotiate and agree to settle the dispute at any time. The appointment of the arbiter can be withdrawn in these circumstances with the written consent of both parties. Should an arrangement be reached before the arbiter has reached a decision, both parties must inform the arbiter immediately, otherwise the arbitration will continue to a decision and the arbiter may make an award of costs to date

associated with the arbitration procedure. In these circumstances the payment of all fees and expenses due will be shared equally between the parties

Timescales

In both documents-only arbitration and arbitration involving a hearing, the arbiter is required to arrange any preliminary meeting, consider the evidence and invite submissions from both parties and arrange for any hearing within seven working days of his/her appointment. The arbiter is then required to make a final decision within two working days of the hearing or submission of documents where it is a documents-only arbitration. A summary of facts will be made by the arbiter at the hearing, if there is one. This final decision may be notified to both parties verbally and will be confirmed in writing. The maximum length of the arbitration procedure from referral to arbitration to the arbiter's decision should be no longer than 14 working days. However, the arbitration process should be conducted as quickly as possible. The shorter the timescale, the less time that homeless person is kept waiting.

The following summarises the homelessness arbitration process:



Homelessness arbitration is intended, in the interest of time and cost, to allow both parties to present their case without the need for a lawyer to be present to speak for them. However, legal or other representation will be allowed if desired by either party. Each party will be liable for the costs of its own legal advice unless the arbiter determines otherwise.

Confidentiality

The arbiter will only issue his/her report to the Council and MORAY HOUSING PARTNERSHIP involved in the arbitration. Registration & Inspection Division of Communities Scotland (R&I) will request information directly from local authorities and MORAY HOUSING PARTNERSHIP to inform its evaluation of the process. Any publication by R&I relating to the arbitration process will protect the identity of the parties involved.

Outcome of arbitration

Written notification of the arbiter's decision will set out the arbiter's determination, as to whether Moray Housing Partnership had good reason for not complying with the request from the local authority to provide housing for a homeless person in accordance with section 5 of the Housing (Scotland) Act 2001 and taking account of the guidance issued by Scottish Ministers "Section 5: Guidance on Good Reason" and will set out the award of costs to both parties.

Rights of review and appeal

The Council and Moray Housing Partnership are expected to retain relevant information relating to homelessness referrals and arbitration cases for their own purposes and to help inform the review of the guidance and any publication relating to the arbitration process.



MORAY HOUSING PARTNERSHIP
MEDICAL SELF ASSESSMENT FORM

CONFIDENTIAL

Clifton Road, Lossiemouth, Moray, IV31 6DJ ☎ 01343 543210

DETAILS

Name of Applicant _____

Address

Name of Person with medical condition (if different from above)

_____ Date of Birth _____

YOUR MEDICAL CONDITION/HEALTH PROBLEMS

Please use the space below to describe the nature of your problem(s). Please state how long you have experienced these difficulties:

YOUR MEDICAL CONDITION & YOUR CURRENT HOME

Please describe what aspects of your current home affect your medical condition and make your accommodation unsuitable:

MOBILITY PROBLEMS

Do you have any difficulty walking?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Some difficulty	<input type="checkbox"/>

Do you require any of these to help you get around?

- | | |
|---------------|--------------------------|
| Walking Stick | <input type="checkbox"/> |
| Walking Frame | <input type="checkbox"/> |
| Wheelchair | <input type="checkbox"/> |

If you have a wheelchair, do you use it both indoors or outdoors?

- | | |
|---------------|--------------------------|
| Both | <input type="checkbox"/> |
| Outdoors only | <input type="checkbox"/> |

Do you have problems with stairs?

Yes No

If yes

- | | |
|----------|--------------------------|
| Inside | <input type="checkbox"/> |
| Outdoors | <input type="checkbox"/> |
| Both | <input type="checkbox"/> |

Please describe your difficulties, indicating how many stairs you can manage easily and if you currently use aids or adaptations to help you:

ENVIRONMENT

Do your mobility problems prevent you from using any rooms in your present home? Yes No

If yes please give details:

Does your illness or disability cause you to need an extra bedroom? Yes No

If yes please detail:

Do you have any difficulty getting to the shops and other facilities? Yes No

If yes please give details:

OTHER HEALTH PROBLEMS

If your health problem is not covered by any of the questions above, please detail how your housing conditions affect your illness or disability:

MEDICAL TREATMENT/SUPPORT

What kind of treatment do you receive for your problem?

Are you taking any medicines? Yes No

If yes, please detail which (taking names from your containers):

REGISTERED DISABILITY

Are you registered disabled? Yes No

Are you registered blind? Yes No

DISABILITY BENEFITS

Do you receive any disability benefits? Yes No

If yes, which:

HOSPITAL

Have you been in hospital recently? Yes No

If yes,
Reason for admission _____ Date _____

Length of Stay _____

Date of Discharge _____

Name of hospital _____

Name of hospital doctor/consultant _____

CLINIC

Are you attending a clinic or other medical establishment? Yes No

If yes, Frequency _____

Address of Clinic _____

Name of hospital doctor/consultant _____

Please give details of your family doctor:

Name _____

Address _____

Phone No. _____

Do you get help from anyone else : Yes No If yes detail below:

	Name	Address	Phone Number
Relative			
Friend			
Social Worker			
Home Help			
Occupational Therapist			
Health Visitor			
District Nurse			
Voluntary Organisation			
Other			

STAYING IN YOUR HOME

Would you prefer to stay in your own home if you could? Yes No

ADAPTATIONS

Has your home been adapted in anyway because of your health or mobility difficulties? Yes No

If yes, please detail:

DECLARATION AND CONSENT

I declare that the answers I have given to all these questions are true. I understand that if I have supplied any false information or kept back any relevant information then my application may be cancelled. If I obtain a tenancy on the basis of false or incomplete information then I realise that Moray Housing Partnership will seek to end the tenancy and repossess the property.

Moray Housing Partnership may seek further information pertaining to my application for housing.

Name _____

Signature _____

Date _____

NOTES

Notes

- 1. Completing the form:** To help us assess your application for medical priority please answer all of the questions on this form. If you are unable to complete the form yourself, ask for help at the office, or seek help from a member of your family, a friend or carer.
- 2. Confidentiality:** Your replies are strictly confidential and only used to assess your medical priority for rehousing.
- 3. More than one person claiming medical priority?:** A separate form should be completed for each person for whom medical priority is claimed.
- 4. Returning your form:** Please return this form to the Partnership NOT your G.P.



APPENDIX 3
MORAY HOUSING PARTNERSHIP

MEDICAL CERTIFICATE

Clifton Road, Lossiemouth, IV31 6DJ

☎ (01343) 543210

THIS CERTIFICATE MUST BE COMPLETED BY YOUR DOCTOR

PATIENT DETAILS	
Surname	Address
Other Names	
MEDICAL CONDITION	
Details of Medical Condition	
NOTE FOR G.P.	
The Partnership's Policy states that medical priority would be awarded where the applicant's medical condition would be eased by rehousing or where the applicant's medical condition is exacerbated by their current housing circumstances.	
Please state how this would apply in the case of your patient:	

Doctor's signature _____

Date _____

Address of Practice _____

Official Stamp

“The information detailed on this form by your GP will be used by The Moray Housing Partnership to assess your entitlement to medical priority in the context of housing allocation. It will also be used to inform judgements as to what repairs, improvements or amendments may be required to the property that you occupy. Where, based on the information contained on this form, some action is to be taken to improve your housing circumstances then this may involve disclosing certain aspects of this information to third parties (such as providers of repair and maintenance services). We are also likely to use this information for statistical purposes and, generally, to assist in improving our service to you and maintaining our housing stock. We are also under a general obligation to protect public funds entrusted to us and so we may use the information to prevent or detect fraud. We are able to lawfully process information about your health condition for a number of reasons without consent but, to the extent that reasons do not exist in relation to the above purposes, by providing this form to your GP for completion, you are indicating your explicit consent to the above.”