
Report to Council

Date of Meeting: 27th June 2013

Subject: Housing Allocations Policy Review 2012/13

Report by: Director of Services to Communities

1.0 Purpose

- 1.1. The Council's Allocations policy has been reviewed to ensure that it complies with legislative requirements, follows good practice as set by the Scottish Government and is in line with local priorities.
- 1.2. The proposed changes to the Council's current Housing Allocations Policy were presented to the Housing, Health and Care Committee in January 2013 and a draft policy was made available on the members portal.
- 1.3. The Committee was invited to note the consultation response and the proposed changes to the Allocations policy and to comment and challenge as appropriate.
- 1.4. The Committee authorised officers to formulate the final policy document and present to Committee for agreement and submission to Council for approval.
- 1.5. A briefing for elected members took place on 4 February 2013 to allow further discussion and comments. Further consultation also took place with the Clackmannanshire Tenants and Residents Federation. The draft policy document has been amended to reflect the comments and feedback received.
- 1.6. The final Allocations Policy document was presented to the Housing, Health and Care Committee on 23 May 2013. Committee agreed the final document for submission to Council for approval and a copy of the final Allocations Policy document is attached to this report.

2.0 Recommendations

- 2.1. It is recommended that Council approve the finalised Allocations Policy.

3.0 Background

- 3.1. The Council's Allocations policy must comply with a number of statutory responsibilities as set out in the Housing (Scotland) Act 1987 as amended.

Landlords are obliged to discuss changes with their tenants and show how they have taken their views into account.

- 3.2. In addition to compliance with the legal framework, the Council's allocations policy is expected to meet the outcomes of the Scottish Social Housing Charter relevant to allocations. These are Equalities, Housing Options, Access to Housing and Tenancy Sustainment.
- 3.3. The Scottish Government published a Good Practice Guide for Social Housing Allocations in March 2011. This document set out what landlords should include in their policy.

4.0 Summary of proposed changes to the Allocations Policy

- 4.1. The proposed changes to Clackmannanshire Council's Allocations Policy are as follows:

- Update aims and objectives
- Introduce Choice Based Lettings
- Deliver an enhanced Housing Options Service
- Introduce transfer led allocations to create vacancy chains and make best use of stock
- Place all homeless applicants on one band
- Assess private rented tenants in line with other applicants who have a home of their own
- Establish a protocol for ex-service personnel leaving the forces
- Introduce a more person centred medical assessment process
- Amend eligibility for size of property in line with Welfare Reform

- 4.2. Aims and Objectives

The aims and objectives have been reviewed to ensure that they are clear and relevant and reflect Scottish Government and local priorities.

- 4.3. Introduce Choice Based Lettings

In line with the Scottish Government's recommendation that landlord's maximise choice for applicants when allocating houses, and as one of the key priority actions set out in Clackmannanshire Council's Corporate plan, we will develop an approach which allows us to increase the facility to operate a Choices Based lettings system for allocating vacant properties. It is acknowledged that a Housing Management IT system will be required to enable a choice based lettings system to operate and procurement and development of a new IT system is scheduled to take place this year.

- 4.4. Deliver an enhanced Housing Options Service

We are committed to taking a proactive approach to homelessness prevention. We aim to help people to keep their homes and to reduce the number of people who find themselves in a housing crisis and who we have a duty to provide housing for. We will provide a full Housing Options Service which means looking at an individual's options and choices in the widest sense. Our Housing Options service will make sure that people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them and that if someone is at

risk of losing their home they will get advice about how to reduce that risk and avoid becoming homeless.

4.5. Introduce transfer led allocations to create vacancy chains and make best use of stock

The Council will introduce transfer led allocations where it will release urgently required housing. Letting properties in this way will create vacancy chains which will enable us to resolve several applicants' housing need from one initial vacancy.

4.6. Place all homeless applicants on one band

In 2003 the Scottish Parliament passed legislation stating that local authorities would have a duty to provide every unintentionally homeless person with a home by 2012. It removes the priority/non-priority need distinction in the homelessness assessment process. The new policy will place all applicants who are assessed as unintentionally homeless on Band 2.

4.7. Assess private rented tenants in line with other applicants who have a home of their own

Applicants who live in private rented accommodation will only be awarded points for being in insecure accommodation at the point that their private let becomes insecure e.g. when served with a Notice to Quit. Applicants in these circumstances will be provided with a full Housing Options review including a homelessness assessment if appropriate.

4.8. Establish a protocol for ex-service personnel leaving the forces

In accordance with the Armed Forces Community Covenant between the serving and former members of the Armed Forces and their families working and residing in Clackmannanshire, and the Clackmannanshire Alliance, Clackmannanshire Council will put a protocol in place to ensure that ex-service personnel returning to this area are not disadvantaged. We are working with representatives at SSAFA (Soldiers, Sailors, Airmen and Families Association) to agree on a protocol to enable planned moves for ex service personnel who are returning to Clackmannanshire as their local area.

4.9. Introduce a more person centred medical assessment process

There are no changes to what our Allocations Policy says about health, mobility or care needs. Our policy has two levels of award due to health/mobility/care needs - severe and moderate. There is however, a need for us to review the process of assessing health, mobility and care needs. We are currently working with Forth Valley Health Board to establish a person centred approach which will be more in line with Housing Options.

4.10. Amend eligibility for size of property in line with Welfare Reform

Recent changes to the Welfare Benefits System made by national Government are due to be implemented. These changes will have an impact on some of our working age tenants and some prospective tenants. We will therefore change the house size criteria for our tenants so that applicants will be offered properties for which they can receive the full Housing Benefit.

4.11. As the changes to the benefits system are introduced and the full impacts become known, it may be necessary to review the Allocations Policy and other Housing policies during this period of transition.

5.0 Consultation

- 5.1. The Housing (Scotland) Act 2001 as amended in 2010, obliges social landlords to talk with tenants and tenants organisations on changes to policies. The Allocation Practice Guide 2011 states that allocations are important to people and by involving them at an early stage can assist landlords to make improvements. The guidance also states that landlords should involve equality groups and raise awareness in the communities about the availability of housing and the constraints we operate within. In order to inform changes to this policy a web based survey questionnaire was used, face to face meetings with specific groups took place and housing applicants visiting Lime Tree House were also invited to complete the survey questionnaire. The following groups were consulted:

- Clackmannanshire Housing Management Team
- Clackmannanshire Housing front line staff
- Social Services
- Tenants Federation
- Mental Health Services
- Ochil View Housing Association
- Paragon Housing Association
- Multi racial groups
- Violence Against Women Groups
- Disabilities Groups
- Clackmannanshire Council Members
- Keith Brown MSP
- Gordon Banks MP
- Housing Applicants

The results of the initial consultation were reported to Housing, Health and Care Committee in January 2013.

- 5.2. The results of the initial consultation showed general positive responses to the proposed changes and additional comments and feedback from elected members and members of the Tenants and Residents Federation have been reflected in the policy document. Specifically, the layout and the format of the policy document has been reviewed to make it clear and easy to understand.

6.0 Changes to processes

6.1. Process for direct lets

The new Allocations Policy document sets out clearly the policy for assessing different types of housing need, and how applicants with differing types of assessed housing need will be prioritised for housing. This will enable Clackmannanshire Council to minimise the number of cases where applicants have an exceptional level of need, and/or the circumstances are so unusual, that the allocation policy cannot adequately assess and prioritise them. Scottish Government Guidance recognises that there may be very rare occasions where an applicant may have exceptional housing circumstances

which fall out with the points scheme but emphasises that their numbers must be minimal and there must be clear audit trails for decisions made.

- 6.2. The new policy sets out how in these rare situations, applicants may be made a direct offer of housing through powers delegated to the Head of Service and to ensure improved transparency and governance, the consideration of any direct lets must be made in consultation with the Governance Manager.

- 6.3. Mutual Exchanges

It is recognised that throughout the Council housing stock there will be tenants, with or without a housing need who would prefer to move to a different area, or size of property. One of the most effective ways of enabling these moves is by mutual exchange.

- 6.4. To make the mutual exchange process more effective the Council has purchased a web based exchange system with our CHR partners. This service is free to tenants who will be encouraged to register. When they have registered their details, they can check online to see if there are other tenants who may wish to swap houses with them. We can also help tenants to use the system to search for potential tenants to swap with. The system will provide automatic notification to tenants if there is a potential match for them. The Council will continue to assess and approve all mutual exchange applications in accordance with legislation and policy.

7.0 Conclusions

- 7.1. The new Allocations Policy will provide Clackmannanshire Council with a policy that meets legislative requirements and Scottish Government good practice guidance, and reflects the priorities and values of Clackmannanshire Council.
- 7.2. By taking an innovative approach in terms of delivering an enhanced housing options service we will be able to put the customer's needs at the centre of our service and help us to improve their outcomes in terms of meeting their housing need.
- 7.3. We will develop an approach which allows us to increase the facility to operate a Choices Based lettings system for allocating vacant properties. This is in line with the Scottish Government's recommendation that landlord's maximise choice for applicants and give applicants an opportunity to have more control in terms of resolving their housing need.
- 7.4. The Council must maximise opportunities to make best use of stock. Transfer led allocations will give the Council flexibility to free up urgently required housing. Helping tenants to move house will increase the availability of larger family homes. Investing in a web based mutual exchange system will increase options for tenants to move to a property which is more suitable for the needs of their household.
- 7.5. As we create opportunities for some categories of applicants to be prioritised for an offer, it is inevitable that some applicants will be disadvantaged by the

changes. The implementation plan will include careful consideration about how the changes and impacts are communicated to applicants.

8.0 Sustainability Implications

- 8.1. The Allocations Policy Review is a key element of the Clackmannanshire Housing Strategy which makes the commitment to sustaining communities. The CHS is subject to an environmental impact assessment.

9.0 Resource Implications

- 9.1. The General Fund 2013/14 budget includes provision of £40k to enable the implementation of Choice Based Lettings, to be recharged to the HRA once implemented.

10.0 Exempt Reports

- 10.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

11.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box ☒)

The area has a positive image and attracts people and businesses	<input type="checkbox"/>
Our communities are more cohesive and inclusive	<input checked="" type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input checked="" type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input checked="" type="checkbox"/>

- (2) **Council Policies** (Please detail)

12.0 Equalities Impact

- 12.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes ☒ No ☐

13.0 Legality

- 13.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

14.0 Appendices

- 14.1 Appendix 1 - Draft Allocations Policy Document

15.0 Background Papers

- 15.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
Yes ☒ (please list the documents below) No ☐

All background papers are available to members on the portal.

- Clackmannanshire Council Allocations Policy Survey Questionnaire
- Clackmannanshire Council Allocations Policy Survey Results
- Summary of survey results
- Bands and categories of need
- Housing Options Hubs
- Clackmannanshire Council Allocations Policy 2005

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Housing Allocation Policy Clackmannanshire Council

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Introduction

Clackmannanshire Council currently owns and manages around 4,950 properties of various sizes and types. Approximately 350 of these tenancies are terminated each year and the Council needs to allocate these properties to new tenants efficiently and effectively.

At any one time the total number of applicants wishing to be housed by the Council is around 1500 with a further 440 current Council tenants wishing to be rehoused. The council processes around 120 new housing applications each month. In most areas of Clackmannanshire there is a mismatch between the demand for council houses and the number of applicants requesting the type and size of council houses available.

The council has experienced a reduction in the amount of properties available for let over recent years but the number of applicants has remained the same. Given the difference between the supply of and demand for Council houses this Allocation Policy has been developed to take account of the different circumstances and housing needs of our applicants and to prioritise according to these needs.

We aim to give priority to those in greatest need and to achieve this we have developed a system comprising of four groups and award of points to reflect need. We have also introduced measures that increase opportunities and choice for current and prospective tenants and that make the best use of our stock.

Clackmannanshire Council's vision and values as set out in the Council's Corporate Plan, underpin the aims and objectives of this policy. The policy has been developed to comply with current legislation, using guidance and best practice from the Scottish Government and the Chartered Institute of Housing. It incorporates the outcomes of stakeholder consultation with staff, services users and elected members.

This policy complies with the statutory responsibilities as set out in the Housing (Scotland) Act 1987 as amended.

In addition to compliance with the legal framework, the Council's allocations policy is expected to meet the outcomes of the Scottish Social Housing Charter relevant to allocations. These are Equalities, Housing Options, Access to Housing and Tenancy Sustainment.

Aims and Objectives

The aims and the objectives of the policy are:

- Fair and equitable
- Consistent and transparent
- Meet legislative requirements and good practice
- House those most in need
- Prevent homelessness
- Extend choice for applicants
- Customer Focused
- Make best use of Council Housing Stock
- Reflect objectives of Clackmannanshire Housing Strategy

Applying for a House

Who can apply for housing?

We accept applications from anyone aged 16 years and over.

* Sole or joint applicants who are subject to immigration control in terms of section 118 of the Immigration and Asylum Act 1999 are not eligible for admission to the Council waiting list. European Economic Area nationals are only eligible for admission to the lists if they have the right to reside in the UK.

If you are aged 16 or over, you have the right to apply for housing and have your housing need assessed. It is important to remember that applying for housing does not mean we will definitely offer you housing. There are more people applying for housing than there are homes available. However, the number of people interested in housing does vary depending on the type of house and where it is (for example, houses with gardens are more popular than some flatted types of property.)

We will give you advice about your housing options and your chances of being offered housing.

You can apply for housing in a number of ways:

By completing an application form

You must fill in an application form if you want to apply to us for housing, even if you are already our tenant and you are applying to move to another property.

Mutual Exchanges

We recognise that some tenants, with or without a housing need, would prefer to move to a different area, or size of property and we want to increase opportunities for current Council tenants to find the home that best suits their family needs without having to wait on the list. If you rent your home from us, another local authority or a registered social landlord and you would like to swap with another tenant from any of these landlords, you can apply to exchange your home. We will also give you advice and help to increase opportunities for finding a suitable tenant with whom to swap.

All mutual exchange applications are subject to assessment and approval by the Council in accordance with legislation and we have a separate policy which sets out how we deal with mutual exchanges.

Protocols with other services and agencies

We have a number of protocols in place with key partners, agencies and services. These protocols are formal arrangements setting out how we will work together and share information. We only accept referrals for housing from partners where there is an agreed protocol in place.

Council staff

Anyone can apply for housing and this includes our staff and local councillors. If you work for us, you must apply in the normal way by sending us a housing application form. We will not give you preference over anybody else simply because you work for us. Any housing application we receive and are considering making an offer on, from a member of staff, local councillor or their close relative, will require to be approved by the Head of Service.

How do I apply?

You can apply online at:

- <http://www.clacksweb.org.uk/council/forms/housing/commonhousingregistrationform/>
- you can get a housing application form from our offices
- you can contact us by telephone
- you can write to us
- you can email us

If you need help completing the form or need parts of the form translated into a different language or format, please let us know when you contact us.

We have developed a Common Housing Register with Ochil View Housing Association and Paragon Housing Association. This means that it is easier for

you to apply for housing as you only need to fill in one application form and you can choose which landlords you want to apply to. (Although you only need to fill in one form, please remember that all three CHR partners will use their own Allocations Policies to prioritise your application for housing with them.)

Once you have completed the Common Housing Register registration form, your application is registered on the housing list of your preferred CHR partner(s). Your landlord of choice will carry out an assessment of your circumstances according to their policy and may contact you for further information if this is required in order to fully assess your housing needs.

Housing information and advice

We are committed to taking a proactive approach to homelessness prevention. We aim to help people to keep their homes and to reduce the number of people who find themselves in a housing crisis and who we have a duty to provide housing for.

We will provide a full Housing Options Service which starts with housing advice when you approach us for help with housing. This means looking at your options and choices in the widest sense. Our Housing Options service will make sure that:

- If you are looking for housing you get information that helps you make informed choices and decisions about the range of housing options available to you
- Once you are on the housing list you can review your housing options
- If you are at risk of losing your home you will get advice about how to reduce that risk and avoid becoming homeless.

Prevention of homelessness

Our aim is to prevent homeless situations before they arise by providing the best housing and support options available. We want to help people make informed choices and decisions about what is the right option to meet their housing needs.

People who believe that they may be at risk of losing their home and becoming homeless will receive advice and guidance on the range of housing options available, as well as guidance or support to help continue living in their current home. In some cases, after reviewing their housing options, the best option may be to apply under our homeless assessment procedures. If the homelessness assessment finds that the applicant is unintentionally homeless, these applicants will be placed onto the homeless group.

We will also give detailed guidance and advice about other ways to find housing without going through the homeless assessment process. The points framework has been developed to make sure we prioritise, within the group we put them in, the needs of people who are homeless or who could become homeless. This means that for some applicants, an assessment of housing need may result in the applicants being awarded points in line with our points

framework. The aim is always to provide a full assessment of need and provide the best opportunity for applicants to access the range of options available, that best meet their needs.

If an applicant, or a member of their household is being abused or harassed or is at risk of serious harm due to hate crime, violence, or criminal activity and it means they cannot stay in your home, or return to their home, they can apply to us for a homelessness assessment. We will provide help which may include temporary housing and contact with independent support agencies. In some cases applicants may not want to apply through the homeless assessment process. In these circumstances we will be sensitive when assessing housing needs as we recognise, for example that it is important that people suffering domestic abuse are removed from this situation as quickly as possible. Because of this, we will make sure that people in these circumstances have as many options as possible for rehousing including being recorded on our waiting lists for as many types of housing and areas of housing as would be suitable. In cases where there is risk due to criminal activity we will always work with our Community Safety partners to ensure that all relevant information is available to assess the applicants needs.

Making the most of your housing options

When you apply for housing, you can choose what type of property you want to live in and where you want to live. Our housing staff will do all they can to help you in applying for council housing, but admission to the Council list does not mean applicants have the right to be housed by the Council. Our staff can also provide advice and help on a wider range of options to meet your housing needs. We can give you advice about what type of social rented housing is available in the areas you have chosen and how often they become available. With this information, you will be able to make realistic choices about how you can find somewhere to live.

Downsizing Incentive Scheme

If you are a current Council tenant and you live in a property that is too big for you and your household, we will make sure that you get advice about the options available to you if you want to consider moving to a smaller property more suitable to your needs. This may be another council property, a local housing association tenancy or a mid market rent property. We may also be able to provide some incentive or practical assistance in terms of advice to help you manage the move. This could include, for example, us arranging to help you to dispose of furniture or belongings that you cannot take with you if you move, or some additional help to decorate your new home.

Your housing choices

Where you want to live

We will try to match you with a home in the area you want. When you apply you should choose as many areas as you are interested in. This may increase your chances of being offered housing. When you apply for housing, we will give you advice about the priority we have given you and your chances of being housed in your preferred areas.

The lettings areas that you can choose

LETTINGS AREAS					
1	ALLOA	BOWMAR			
2	SAUCHIE	FISHCROSS			
3	CLACKMANNAN	KENNET	FORESTMILL		
4	TULLIBODY	CAMBUS			
5	TILlicOULTRY	COALSNAUGHTON	DEVONside	DOLLAR	MUCKHART
6	ALVA	MENSTRIE			

You will always have the chance to change your choice of area. We have more properties in some parts of the county and the number of properties available in an area can affect the length of time you may have to wait for a suitable property to become available.

Size of Housing

The Council is committed to giving applicants as much choice as possible in the size and type of housing which they can apply for. To make best use of the housing which is available there will be some limits to the choices that people can make.

In assessing the appropriate size of property that you may be offered, Clackmannanshire Council has adopted the standards of occupancy in line with Welfare Reform as the occupancy levels for allocation of our housing stock.

We will therefore allocate one bedroom for each of the following:

- a couple
- a person who is not a child (aged 16 and over)
- two children of the same sex
- two children who are under 10

- any other child, (other than a foster child or child whose main home is elsewhere).
- a carer (or group of carers) providing overnight care

While all applications will be assessed on the number of bedrooms required according to the details above, the Council may allocate a property of a different size, depending on circumstance and subject to availability of housing stock.

Types of Housing

The Council has a range of different types of housing across Clackmannanshire. However, when considering the type of property that you would like it is important to note that:

- Well over half of the properties which become available for letting each year are flats – either traditional flats, 4 in a block or maisonettes. Only a quarter of the properties which become empty are houses. This means that applicants are likely to wait longer for a house.
- The smaller properties – 1 and 2 bedrooms are more likely to be flats.

There are some properties in Clackmannanshire which are only available for applicants with particular needs for example, housing that has been specially designed or adapted to meet the needs of people with mobility or accessibility issues.

You will be asked about any particular needs you may have when you apply, and these needs will be assessed as part of the application process. The assessment of need will identify the most appropriate house type for you and your household. Due to the lack of ground floor properties, where these become available, priority will be given to applicants who have an assessed need for ground floor accommodation.

Housing offers

We want to make sure that we match you with a property that is suitable for you. We will support you in making your housing choices in terms of where you are thinking of living and what type of housing you need.

We will tell you what your realistic chances are of being offered housing in your preferred areas.

Any offers of housing we make will match the choices that applicants make when they apply so we don't expect many people to refuse housing offers.

We understand that sometimes your needs change, so if you refuse an offer we will ask if you want to review your housing options. We will also consider if we need to give you more detailed information and advice about your housing options and your chances of being housed.

We do not have a lot of housing available in certain areas and we have a legal responsibility to provide, within a reasonable amount of time, somewhere safe

and secure to live, to people who are homeless. It may not always be possible to offer you housing that matches your preferred areas or type of housing. If we cannot offer you housing in your preferred areas, we will make sure that the housing we offer you is close to any support or services you need such as schools , hospitals etc. We will make sure that the housing we offer you meets your immediate housing needs.

We will make sure that we provide a review of your preferences to enable a reasonable offer to be made to meet your housing need. A reasonable offer is one where we will take account of the particular circumstances and assessed needs of the applicant and the household. We will also take account of stock availability, demand and legislative requirements when determining if an offer is reasonable.

If you are awarded priority and placed on Band 1 because of a serious and urgent need to be housed, we will review your housing choices and options with you to make sure that they are the best possible, and we will not allow you to be unnecessarily restrictive in the types of housing and areas that you have asked for. We will also make sure that you are listed for as many types and areas as would be suitable for you. When we offer you housing, we will also make sure that the offer meets your immediate assessed housing needs.

Prioritising applications for housing

When allocating houses the law states that we must give reasonable preference to homeless people, households who are overcrowded, large families, those living in unsatisfactory housing conditions and those living in below tolerable standard property. **Appendix 2** sets out the details of what the legislation and guidance is on these reasonable preference categories.

This policy aims to allow us to appropriately match properties to applicants and create sustainable tenancies, and at the same time, meet the requirement to give reasonable priority to these key groups.

Bands and Points

Clackmannanshire Council manages the housing waiting list in bands and points. This means that when you apply for housing, we will put your application into one of four bands and we will give you a certain number of points.

The points awarded for the different types and levels of need are set out in the table below.

Type of Need	Degree of Need	Points
Statutory Homelessness		14 points
Insecurity	Insecure Accommodation (e.g. living with friends/relatives or served with a Notice to Quit from landlord)	8 points
Overcrowding	2 or more bedrooms short (severe overcrowding)	12 points
	1 bedroom short (moderate overcrowding)	6 points
Health/Mobility/Care	Severe	14 points
	Moderate	6 points
Lacking Amenities/Poor Condition	lacking amenities/disrepair - serious	12 points
	lacking amenities/disrepair - moderate	6 points
Time in Need	3 or more years	4 points
	2 years	3 points
	1 Year	2 points
	6 months	1 point

Statutory Homeless

All applicants assessed as homeless or threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 will be awarded 14 points. These applicants will be placed on Band 2.

Insecure accommodation

8 insecurity points will be awarded to applicants who do not have self contained accommodation for their household, e.g. living with family or friends. These applicants will be placed on Band 3. Applicants with insecurity points may also be eligible for overcrowding points if they do not have the sufficient number of bedrooms for their household set out in this policy. Applicants in private rented accommodation will be awarded insecurity points should they be served with a Notice to Quit from their landlord.

Overcrowding

Overcrowding points will be awarded to households who lack sufficient bedrooms for their household composition as set out in the section on size of housing above. Applicants who are assessed as overcrowded will be placed on Band 3.

Health/mobility/care needs

If an applicant states that they have health, mobility or care issues, we will contact the applicant to carry out further assessment, to help establish any additional priority which should be applied to the application.

The assessment will determine if the applicant or a member of their household has health/mobility/or care needs which are likely to be assisted only by a move to alternative accommodation. This may be:

- Improvement, or alleviation of a health condition, including mental health problems
- Increased independence, either physical or social, of the member of the household concerned

Assessment for accommodation on the grounds of health, mobility or care needs may involve a visit to the applicant in their home. Where appropriate health professionals such as occupational therapists or community psychiatric nurses will take part in the full assessment of the applicant. An assessment of the suitability of any proposed property to be offered to an applicant with health, mobility or care needs may also be carried out by the Occupational Therapist.

Where there is a health/mobility/care need for more than one member of the household, the needs of the relevant members will be assessed and the highest priority given to the member of the household with the highest need.

Where the needs can be met by an alteration to the current property or by additional services, the priority will not be awarded.

➤ Severe health/care award

Applicants assessed as having severe health, mobility or care needs are awarded 14 points and will be placed on Band 3. A severe award will be made where the assessment determines that the applicant cannot reasonably be expected to occupy their current (or most recent) permanent accommodation as a result of their circumstances. This could apply where,

- The applicant or household member cannot be discharged from hospital to their previous accommodation because of changed needs
- The applicant or household member is housebound, or has severely restricted independence, but would not be so, in suitable accommodation. This could apply where the applicant is seeking to move close to a carer which would enable greater independence.
- The applicant or household member has a serious condition, which is aggravated by their current accommodation.

➤ Moderate health/care award

Applicants assessed as having moderate health, care or support needs are awarded 6 points and will be placed on Band 3. A moderate award will be made where the assessment determines that the applicant requires to move urgently from their current accommodation but can continue to occupy this accommodation for a further limited period.

Lacking Amenities/Poor Condition

Applicants will be awarded 12 points for lacking amenities or poor condition of accommodation if:

- they are living in housing which is below the tolerable standard,
- they are living in housing where the property lacks any *one* of the basic amenities (including evidence of lead piping)

and/or

- they are living in housing where one of the primary building elements is in serious disrepair (walls, internal floors, foundations, roofs).

Applicants will be awarded 6 points for poor condition of the accommodation if:

- they are living in housing below the tolerable standard where two or more of the secondary building elements are in serious disrepair (roof covering, chimneys, guttering/downpipes, windows and/or doors)

and/or

- there is penetrative or rising dampness.

People living in accommodation which is below the tolerable standard are also eligible to apply as statutorily homeless. Further information about basic amenities and the below tolerable standards can be found at **Appendix 3**.

Time in Need points

Applicants in Bands 2 and 3 are also awarded points reflecting the time they have waited since these needs were assessed by the Council. These are referred to as 'time in need' points and these are measured from the point at which the housing need is assessed.

There are 4 bands, or lists, and applicants are placed on the appropriate band according to their circumstances and assessed housing need as follows:

Band 1

- Applicants who require to move because of demolition, closing orders, or Council approved regeneration initiatives.
- Current council tenants who by moving will release social rent housing which is urgently needed for other applicants with high needs. For example, current council tenants whose current home is too big for their household.
- Looked after children and young people leaving residential care. Young people over the age of 16 who require permanent housing and who

are looked after by Clackmannanshire Council will have their accommodation needs jointly assessed by Social Services and Housing Services in line with the Council's Corporate Parenting Protocol (**Appendix 4**) to ensure the appropriate supports are in place and realistic housing choices have been made. The assessment will then be jointly agreed by the respective section Heads of Service. Such applications will be given preference over all other applications for offers of housing.

- Ex forces personnel and their families who are returning to their local area. Clackmannanshire Council recognises that ex-service personnel and their families can face particular housing challenges as they leave the Armed Forces. In line with the Scottish Government's commitment to ex-services people, and in accordance with the Armed Forces Community Covenant, Clackmannanshire Council will ensure that ex-service personnel returning to this area are not disadvantaged.
- MAPPA (Multi Agency Public Protection Arrangements) is the framework which joins up the agencies who manage offenders. Under these arrangements, local agencies work together to best protect our community from the serious harm that some offenders may still present after being convicted. Although offenders do not get special treatment, arrangements may be made to house a particular offender when it is required as a matter of public safety. Social housing providers (Local Authorities and Registered Social Landlords) should ensure their housing allocations policy considers arrangements for housing sex offenders.
- Direct Lets - The Council may in very limited circumstances choose to make a direct offer of housing to an applicant. In these rare situations applicants may be made a direct offer of housing through powers delegated to the Head of Service. Consideration of any direct lets will be made in consultation with the Governance Manager and applications approved for a direct let will be placed on Band 1. (Further details on Direct Lets are set out on page 18)

Band 2

- All statutory homeless applicants

Band 3

- Severely overcrowded
- Moderately overcrowded
- Insecure accommodation
- Severe health issues which will be alleviated by re-housing
- Moderate health issues which will be alleviated by re-housing
- Living in housing severely below tolerable standard
- Living in Housing below tolerable standard

Band 4

- Applicants who are adequately housed

Within Bands 1 and 4, applicants are placed in order of date of application. In Band 1 however, there is the potential for more than one applicant to have the same date of application, for example, where multiple households are

required to move because of a regeneration project involving more than one property. Where this occurs, the Council will prioritise applicants by the length of time they have lived in the property from which they are required to move.

Where two applications for housing are received from the same household, both parties may be assessed as overcrowded. Points will be awarded to both applicants until one is rehoused. If rehousing one applicant/household means that the other is no longer overcrowded, priority will no longer apply to the remaining applicant.

Applicants will receive a full assessment of their housing needs and will be provided with advice about their housing options. We will always provide advice about the best options if they are assessed as having more than one type of need. Applicants will receive the points for the highest assessed need so this means, for example that an applicant who is moderately overcrowded but is assessed as having a severe health need for accommodation will be awarded the severe health points, and matched to properties for their specific health requirements.

Priority for housing is awarded on the basis of assessed need and a change in circumstances may alter the priority awarded to an applicant.

Should a change in circumstances result in moving to another Band, the applicant will not transfer existing points to the new Band but have the level of priority re-assessed according to the applicant's new circumstances. The date of application remains the same.

What we do not take into account when assessing your needs

We will not take account of any of the following when we allocate our housing:

- Whether you live in the area you want housing in
- The length of time you have lived in the area
- Any debts that are not related to your current or former tenancy
- Any debts you have already paid
- Debts relating to your tenancy if:
 - They are less than one-twelfth of the yearly amount of rent you pay; or
 - You have already arranged a repayment plan and kept to it for at least three months and you are still keeping to the repayment plan
- Your and your family's income
- The value of any property you or your family own
- Your age, as long as you are over the age of 16 and the home you want to move to has not been specifically designed or adapted for elderly people to live in.

Gathering supporting information

All applicants and anyone included on an application aged 16 years of age or over are required to provide details of any Council or Housing Association tenancy they have held during the last three years. Any current or former

tenancies will be checked to determine whether they are/were conducted in a satisfactory manner and that there are no outstanding debts relating to the tenancy. This may involve a visit to the applicant's home and in the case of current council tenants the visit will include checks to ensure that tenancy conditions are being adhered to and the property is in a satisfactory condition.

If there are outstanding debts for a previous or current tenancy we require evidence that the applicant has made an agreement with their landlord to pay any arrears and has kept this agreement for at least 3 months and is still continuing to make the payments as agreed, in order to be actively considered for housing.

Where evidence is obtained from a reliable and official source that an applicant, or anyone who would be a member of the applicant's household in a Council tenancy, has a history of anti social behaviour unsatisfactory conduct of a current or former tenancy, or has been evicted from a former home for anti social behaviour or there is the presence of an ASBO (Anti Social Behaviour Order) we will take into account the causes and impact of such behaviour when considering applicants for the allocation of housing.

If there are any issues as a result of checks we will contact the applicant to discuss these further and advise on the next steps.

For some applicants, the information which is provided in their application form and any checks we carry out e.g. a visit to the applicant, will be sufficient to assess needs. For some, there will be a need to undertake further assessment. Depending on the individual circumstances, this may involve requests for additional information or interviews with specialist staff.

Some applicants may need additional help with the application process and/or when they receive an offer and move into their new home. Applications for housing from applicants requiring support in order to cope in their home and maintain a tenancy will be assessed by the Housing Service and the appropriate professionals, such as the Housing Support Team or Social Services, to determine the best option for the applicant(s).

A member of staff can also be nominated to provide continuing advice and support about the allocations process to all applicants who have health, care or support needs or who are homeless or threatened with homelessness and who wish this assistance. This may be a staff member who is already working with the applicant.

The information on the application form is entered into the allocations computer system including details of areas of choice and house types selected. The application is then awarded points in line with this policy.

An application's place on the list is determined by the applicant's assessed housing need and points awarded, and the date of the priority award.

The applicant must then wait for an offer of accommodation or, take part in the choice based lettings process by expressing an interest in properties that are advertised as part of our choice based lettings scheme.

All Council tenants who apply are also encouraged to register on our Mutual Exchange list to increase the opportunities for a move.

A guide to the housing application assessment process is set out at **Appendix 1**.

Exceptional cases

Clackmannanshire Council recognises that our policy may not cover all of the circumstances that lead to you needing a move. Very occasionally an applicant may have exceptional housing circumstances which fall out with the points scheme. In these rare situations applicants may be made a direct offer of housing through powers delegated to the Head of Service. To ensure transparency and governance the consideration of any direct lets will be made in consultation with the Governance Manager. In these cases we will offer you the first suitable home that becomes available. If you refuse this offer of housing, we will stop dealing with your application as urgent and deal with your application in line with our normal allocation policy.

How we allocate housing

Matching applicants to vacant properties

Applicants are placed on the list on the appropriate band according to their circumstances and assessed housing need. When we know that a property will soon become available, we will start to decide who the property is most suitable for. Firstly we will decide which Band the property should be offered to. To do this we use a rota system. This ensures that all categories of need are considered on a regular basis for the allocation of a property. We have developed detailed procedures for our staff to follow when they decide which Band to offer a property to. These procedures include a clear audited record of the process.

- We need to look at reasonable preference (See Appendix 2 for definition) in terms of our total lets across our stock and throughout the year. We set targets each year to make sure that the number of houses let to different types of applicant is proportionate to the number of these types of applicant who are on the list, taking into account the availability of stock.
- We monitor the outcomes of our lets on an ongoing basis, and we will adjust the rota if these targets are not being met.

Once the Band to select from has been determined, we then identify all of the applicants in this Band whose needs and preferences match the property. We then offer the property to the person with the most points.

There are a number of exceptions to this process.

- If the property is adapted.
We want to make sure that we make best use of our adapted properties. (This means that they have been specifically built or have had things changed in them or added to them such as a level access or wet room shower, to make them suitable for people with particular needs). To allocate these properties we will always check the Band on which applicants with an assessed mobility need for housing are placed e.g. Band 3. In some cases we will ask for an Occupational Therapist to check the property's suitability for an applicant before making an offer.

If there are no applicants with an assessed mobility need for the type of adapted property available, then we may choose to offer the property to a different Band or applicant with a different assessed need so we can match the property to the most suitable eligible person on the list.

- If a ground floor property is deemed particularly suitable for people with health/mobility needs.
We want to make sure that we make the best use of our suitable ground floor accommodation for those applicants who have been awarded points for health or mobility needs. We will check within the band that the rota indicates we should allocate from, for applicants with a health or mobility need for ground floor accommodation and if there are no suitable applicants on the band with an award of points for ground floor accommodation, we may choose to move to another band and offer to the applicants with the highest priority award for ground floor accommodation.
- Where there are applicants on Band 1 for whom there is a specified date on which they will require immediate accommodation, and for which a planned move has not been possible by means of the rota, e.g. young person leaving care.
- Should an assessment of a housing application show that an applicant's circumstances are so unusual that the points system in this policy cannot adequately assess and prioritise the exceptional level of need, and where the applicant needs to be housed urgently, a Direct Let may be considered. There is a clearly defined process and written procedures in place to manage Direct Lets. All such cases will be prepared by the appropriate Team Leader and checked by the Service Manager before being submitted to the Head of Service for consideration. Prior to approval (if appropriate) by the Head of Service, the case will be forwarded to the Governance Manager for examination. Such cases will be very rare and so numbers will be minimal. The number of Direct Lets that are considered and the number of Direct Lets that are approved will be monitored and reported as part of the Allocations Policy performance monitoring framework.

Choice based Letting

In line with the Scottish Government's recommendation that landlord's maximise choice for applicants when allocating houses, and as one of the key priority actions set out in Clackmannanshire Council's Corporate plan, we will develop an approach which allows us to increase the facility to operate a Choices Based lettings system for allocating vacant properties.

Applicants will still provide information to us to allow us to assess and prioritise applicants according to their housing need. When operating the Choice Based Lettings system, the details of properties available for letting will be advertised setting out the size of household that will be considered, any special features or requirements, (e.g. adaptations to the property) and the Band or category of need that will be given priority. Applicants will be required to express an interest in properties advertised which match their requirements and when bids are received, we will offer the property to the most suitable applicant with the highest number of points.

As part of our Housing Options Service we will make sure that all applicants get the information and practical help that they need, when applying for housing.

Transfer led allocations

Some Council tenants live in properties that are not suitable for their needs, but they might never receive an offer due to the high volume of applicants on the waiting list who do not have a home. It is important for the council to make best use of stock and take account of the requirements of our existing tenants who require more suitable housing. The Council will introduce transfer led allocations where it will release urgently required housing. Letting properties in this way will create vacancy chains which will enable us to resolve several applicants' housing need from one initial vacancy. When we let the second and any subsequent lets in any chain of vacancies, we will apply the rota. This will mean that the property is offered to the person with the highest points in the band it has been allocated to.

Transferring Tenants

When a transfer applicant applies, an inspection of the house and private garden area (if applicable) will be carried out and if there are any outstanding repairs that are their responsibility, as described in the Scottish Secure Tenancy Agreement the Council will inform them in writing and the applicant must complete these before any offer is made.

Making an offer

Once identified, the applicant with the highest priority will be offered the property. We will arrange an accompanied viewing with the applicant as soon as the property is available. We want to minimise the time that a property is empty so often we will issue an offer to the eligible applicant before the property is available to view. In these cases applicants may accept the offer subject to viewing the property.

If an applicant refuses an offer, an offer will be made to the next applicant, in order of priority, who meets the eligibility criteria.

Types of tenancy offered

The types of tenancy agreements which Clackmannanshire Council may offer are:

Scottish Secure Tenancy (SST)

This is by far the most common tenancy granted by councils in Scotland. Unless a tenant abandons the tenancy or the council obtains a court order to end the tenancy, a SST will usually continue for as long as the tenant wishes.

Short Scottish Secure Tenancy (SSST)

This is a tenancy granted in specific circumstances for a minimum term of 6 months. At the end of the term of the SSST the landlord can:

- Offer a full SST
- Offer a further SSST;
- Seek repossession.

In some types of Short SST the landlord must provide, or ensure the provision of, housing support services. If a prospective tenant is unwilling to cooperate with this support, the tenancy offer may be withdrawn.

Nominations

Nominations will be made to Registered Social Landlords (RSLs) in line with the nomination agreements negotiated between the Council and individual RSLs. Nominations to Registered Social Landlords will not be advertised but selected directly from the list of applicants since other landlords in the area have opted to retain traditional allocation policies. Nominations will be selected in line with each RSL landlord's allocations policy.

The number of applicants nominated to other landlords in the area is subject to agreement between each landlord and the Council in line with legislation and guidance.

Local Lettings Initiatives

In exceptional circumstances the Council may agree a Local Lettings Initiative for a particular area. A Local Lettings Initiative will require specific approval by Council Committee and will only be agreed where all the following conditions are satisfied

- a) There is clear evidence, independently verified, that the current allocations policy is exacerbating identified problems within the community concerned. This would require clear, robust and verified evidence from a number of sources of the need for a Local Lettings Initiative
- b) The Local Lettings Initiative demonstrates clearly how the revised policy will address these problems

- c) Outcomes for the Local Lettings Initiative are quantified and given a specific time frame
- d) A monitoring and reporting framework is in place to provide ongoing information on the effectiveness of the Initiative.

Local Lettings Initiatives must be consistent with the principles and objectives of the overall Council allocations policy, relevant legislation and guidance and performance standards. They would also be subject to same principles of scope and flexibility relevant to the allocations policy in relation to quotas, eligibility criteria and eligibility for house types/size.

The Local Lettings Initiative will be reviewed by Council Committee after an agreed period.

Creating safe communities where people can manage their tenancies without any problems

If you have support needs (such as needing help managing a tenancy)

If you have support needs (such as needing extra help to manage your tenancy), you must tell us when you apply.

Telling us about your housing and support needs helps us to understand your circumstances and lets us give you the best advice on your housing needs to help support you in your home. This also means that we can work with other agencies and council services (such as social work) to make sure that we can give you the help you need.

If, following the assessment of your application, we think that you need help, we will work with you and other professionals to find the best way of meeting your needs in your new home. We will ask your permission to share information about you with others.

We want to make sure that you can move in to your new home and live in it safely, while making sure that you do not break the conditions of your tenancy so if you have support needs and we offer you a property, we will make sure that the support you need is in place before you move into the property we have offered you.

Keeping applications up to date

Applicants are required to notify the Housing Service of any change to their circumstances as soon as possible so that their application can be reviewed.

Information submitted by applicants will be reviewed on an annual basis. This review of applications is taken to ensure that the housing list consists only of those actively interested in housing.

In reviewing the waiting list, the Council will write to you asking for confirmation that you wish to remain on the list. We will also ask you to notify us of any change to your housing circumstances. If we do not hear from you, within 28 days we will send you a reminder letter. If you do not reply to that

reminder letter within 7 days, your application will be removed from the waiting list.

Applicants removed from the list in these circumstances will be re-instated without penalty if they contact the Council within 6 months of the second reminder being issued and their application will be re-instated with any necessary amendments. If contact is made after 6 months, a new application form will be required.

Suspending Applications

The Council will in a few clearly defined circumstances exercise its right to suspend an application for active consideration of an allocation. In doing so it will act in line with the Housing (Scotland) Act 2001, the associated guidance on access to waiting lists and allocations, regulation and good practice guidance.

If we do suspend your application for active consideration of an allocation, we will confirm to you the reasons for the suspension and how and when your suspension will be reviewed.

We will only suspend your application from active consideration for housing in the following circumstances:

- If you owe rent that you have not agreed a repayment plan for.

If you have owed your landlord rent in the past but have paid what you owe, we will not suspend your application from active consideration for housing. However, we must make sure that if you owe your current or former landlord money for your tenancy, you plan to repay it as soon as possible. If you owe money to a current or former landlord for a tenancy we may suspend your application for active consideration for housing unless:

- You have paid what you owe in full
 - You owe less than or equal to 1/12 of the annual rent you pay; or
 - You have arranged to pay what you owe and have kept to that arrangement for at least three months, and you are still keeping to this arrangement
- If you have behaved anti socially

We may also suspend your application for active consideration of an offer of housing if you have behaved anti socially including the following:

- If you or anyone in your household has been evicted for anti social behaviour
- If you or a member of your household has behaved anti socially and reached a 'Notice of Proceedings for Recovery of Possession' (Council tenancy)

- If you have been given an ASBO (Ant Social Behaviour Order) that is currently in force
- If you are waiting on a court decision on whether you will be given an ASBO
- If you have had a 'Notice of Proceedings for Recovery of Possession' served on you because you have broken the conditions of your tenancy.
- If you have a history of anti social behaviour used in deciding a criminal conviction relating to a current or previous tenancy

Anti social behaviour includes violence, verbal abuse, harassment, vandalism, noise disturbance, arson, carrying an offensive weapon, or using or selling illegal drugs.

We will work in partnership with our Community Safety partners and share information through the Forth Valley Information Sharing Protocol to collate documentary evidence to ensure that there is reliable and accurate information to determine cases suspended from active consideration for housing for the reasons indicated above.

We will consider each case of anti social behaviour on an individual basis. We will be fair when we look at whether or not to suspend your application from active consideration for housing. If we do suspend your application, you will be notified in writing and if we think that we need to, or if we think it is appropriate, we will help you to keep to the conditions of your current tenancy by arranging support for you. We may put you in touch with a housing officer who will give you help and we may also put you in contact with other people who can provide support including independent organisations that can help you.

If you can show that an appropriate support package is in place and that you are working with others to improve your behaviour and change your actions, or you think that there are valid reasons to confirm that your behaviour and actions have changed and we are satisfied that the anti social behaviour is unlikely to recur, we will review your application for active consideration for housing.

Applicants who are offered a tenancy within 3 years of an eviction for anti social behaviour, or applicants and/or any person who will be part of their household who has been the subject of an ASBO at any time, will be offered a Short Scottish Secure Tenancy.

If an application is suspended the applicant will be informed in writing with detailed reasons for the suspension, the evidence for those reasons and advice on how the suspension may be lifted. The applicant will also be advised of their right to appeal.

Lifting of suspensions

Suspensions are not permanent and may be lifted for one or a number of reasons:

- Behaviour of the applicant has changed.
- A support package is put in place.
- A satisfactory arrangement has been made to pay off any outstanding arrears/debts.

The suspension of applications will be reviewed and monitored regularly to ensure that they are still valid.

Removal of applications

An application may be removed from the list only if:

- the applicant has requested removal from the register (usually in writing)
- the death of the applicant. Where there is a surviving partner the application will automatically transfer to that partner. If there is no surviving partner, the application will transfer to any other person named in the application, who has been resident with the applicant for 6 months if that person is aged 16 years and over. The application will be re-assessed.
- the applicant fails to respond to a periodic review of the housing register.

Provision of false information

If it is proven that an applicant has provided false and/or misleading information on the application form or omitted relevant information that has led to a greater level of priority, the application will be re-assessed and the level of priority amended if necessary. The application may be suspended from offer during the period of re-assessment.

If an applicant has knowingly provided false and/or misleading information and this information influenced the Council's decision to allocate a tenancy, the Council may take legal action to re-possess that tenancy.

Access to personal information and files

The Council will act in line with Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002 regarding application information. All information provided by applicants will be held in confidence and will not be released beyond the terms of registration under the Data Protection Act without the express permission of the applicant. Applicants will be asked to sign a mandate in the application form to allow the Council to share any information, although applicants have the right not to do so. All applicants have the right, subject to certain conditions and exemptions, to receive a copy of all information and data held in relation to their application for housing.

Equal Opportunities

Clackmannanshire Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council is actively working towards the elimination of policies and procedures which discriminate. It is opposed to any form of discriminatory practices on grounds including gender; marital status; religious belief; disability; race; ethnic origin; colour; nationality; political belief; sexual orientation; socio-economic status and age. Anyone with a grievance or complaint that contravenes Equal Opportunities legislation and guidelines can make a complaint in line with the Council's complaints procedures.

Appeals procedures

All applicants will have the right to appeal against any decision taken during the application and allocation process. Further information on how to do this is available at Council offices, as is a list of independent advisory bodies. This will be provided to you at the point of decision. Ultimately, if you are dissatisfied with the response you receive, you can refer the matter to the Scottish Public Service Ombudsman by writing to:

SPSO
4 Melville Street, Edinburgh
EH3 7NS
Email: ask@spo.org.uk
Telephone: 0800 377 7330

Monitoring and reporting

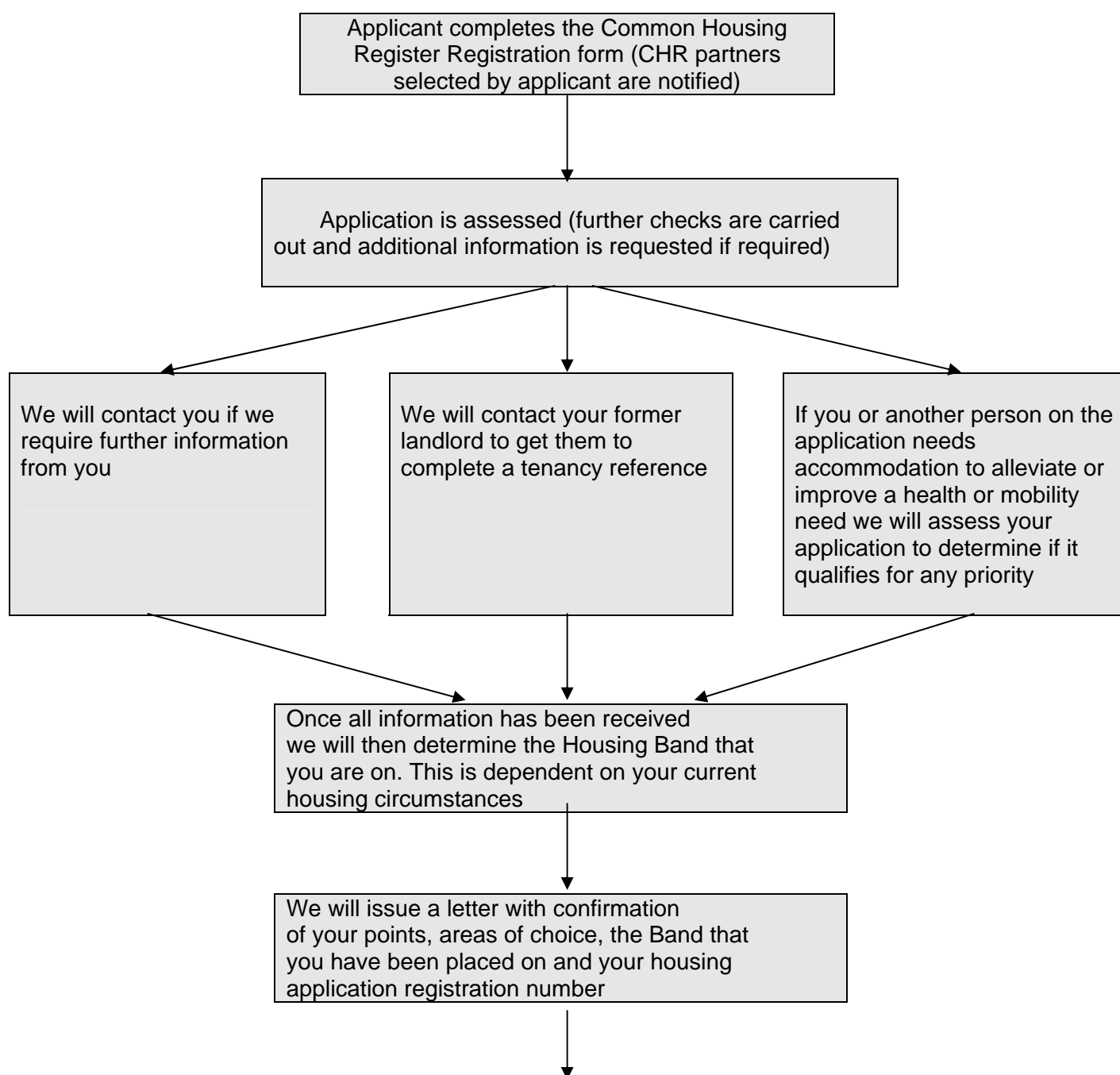
The Council is clear about the importance of monitoring the performance of its allocations policy to ensure in particular that:

- The outcomes are in accordance with the stated objectives
- Those searching for housing are satisfied with the service they receive
- The policy and priorities take account of changing needs within the local community and of any changes in the Council's supply.

The outcomes of this policy will be recorded and monitored in accordance with the Scottish Social Housing Charter and key performance results and outcomes delivered will be reported to Committee on a quarterly basis.

The Council will ensure that all aspects of the allocations policy, processes and procedures are regularly reviewed to assess decision making, accurate data entry and validation and monitoring of lets by both the Housing Service and its partners.

Quick guide to the housing application process



Important Information

- We will give you information to help you make informed choices and decisions about the range of housing options available to you.
- Housing advice is available to you during the life of your housing application.
- We may visit you during the life of your housing application.
- If your circumstances change or if you know longer want housing, please let us know.
- Failure to respond when we try to contact you may result in your housing application form being cancelled but we will always notify you in writing before we cancel your application.

Reasonable Preference

Reasonable preference refers to the priority given to applicants for housing. It means that you must give due weight to the factors as set out below.

Section 20(1) of the 1987 Act (as amended) requires that in selecting tenants for their houses, all local authorities and RSLs must give reasonable preference:

a) to persons who

(i) are occupying houses which do not meet the tolerable standard; or

(ii) are occupying overcrowded houses; or

(iii) have large families; or

(iv) are living under unsatisfactory housing conditions; and

b) to homeless persons and persons threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 (as amended) and unless they would not be such persons without the local authority having regard to a restricted person, for example, asylum seekers and non-EU nationals).

"Tolerable Standard" is as defined by section 86 of the 1987 Act and amended by section 102 of the 2001 Act and section 11 of the Housing (Scotland) Act 2006. A house meets the tolerable standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;
- has satisfactory facilities for the cooking of food within the house; and
- has satisfactory access to all external doors and outbuildings.

Part VII of the 1987 Act defines "overcrowding". When the number of people sleeping in a house breaches the room standard or the space standard (both of which are set out below) a house is overcrowded.

The space standard determines the number of people who are permitted to sleep in a home based on:

the number of rooms available as sleeping accommodation. Rooms that are counted are rooms normally used in the locality as a bedroom or living room;
the size of those rooms. Rooms under 50 square feet (4.645m²) are ignored; and
the ages of people who live there. Children under 1 year old are not counted and children over 1 and under 10 count as a half.

You can calculate the permitted number of people in a property by looking at both of the tables below. Table 1 tells you how many people can sleep in the house according to the number of rooms. Table 2 tells you how many people can sleep in each room according to the size of the room and the total for each room, when added together, tells you how many people can sleep in the house. You need to

look at both tables and the smaller of the two numbers produced is the permitted number of people that may live in that house. If the permitted number is exceeded, the house is overcrowded.

Table 1: Number of rooms available for sleeping	Number of people who can sleep in the property
1	2
2	3
3	5
4	7 1/2
5 or more	2 for each room

Floor area of room	Number of persons who can sleep there
110 sq ft or more (10.219m ²)	2
90 sq ft (8.361m ²) or more but less than 110 sq ft	1 1/2
70 sq ft (6.503m ²) or more but less than 90 sq ft	1
50 sq ft (4.645m ²) or more but less than 70 sq ft	1/2

The law does not define large families.

The law also does not define "unsatisfactory housing conditions". However the term covers the physical condition of the house as well as its unsuitability as a result of a medical condition or the disability of the occupant. It also covers other aspects of an applicant's circumstances, such as unsatisfactory living arrangements, problems with neighbours, harassment and domestic abuse.

Part II of the 1987 Act (as amended) defines "homeless persons". A person is homeless if he or she has no accommodation in the United Kingdom or elsewhere, or if he or she has accommodation, but it would not be reasonable for him or her to occupy it. A person is homeless if he or she has accommodation, but:

- cannot secure entry to it;
- it is probable that occupation of it will lead to abuse;
- it is probable that occupation of it will lead to threats of abuse from someone who previously lived with him or her and who is likely to carry out the threats;
- it is a moveable structure, vehicle or vessel and there is no place where he or she is entitled or permitted to place it and live in it (this has particular relevance for Gypsies/Travellers);
- it is overcrowded and may endanger the health of the occupants; or
- it is not permanent accommodation and the local authority has a duty to provide permanent accommodation. Permanent accommodation includes accommodation owned by him or her or in which he or she is a tenant with a secure or assured tenancy. It also includes a short Scottish Secure Tenancy where such a tenancy has resulted from previous anti-social behaviour or from any prospective tenant or resident under an anti-social behaviour order.

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

Appendix 3

Basic Amenities

A property would be considered lacking basic amenities if it did not have:

A fixed bath or shower

A wash hand basin

A kitchen sink

An internal w. c.

A hot and cold water supply at three points (bath/shower, w. c. and wash hand basin)

Below the Tolerable Standard

A property will fail the tolerable standard if:

It is not structurally stable

It is not free from rising and penetrating damp

It lacks piped wholesome water

It lacks a sink with satisfactory hot and cold water

It lacks cooking facilities

It does not afford exclusive use of and suitably located WC

It lacks access to external doors

It lacks drainage and disposal of foul and surface water

It lacks suitable provision for natural and artificial lighting, ventilation and heating

Primary Building Elements - A fail is measured by the requirement for repair or replacement of more than 20% of the component.	Secondary Building Elements- A fail is measured by the requirement for repair or replacement of more than 20% of the component. Failure by two or more elements.
Wall structures Internal floor structures Foundations Roof structure	Roof covering Chimney stacks Flashings Rainwater goods External wall finishes Access decks/balustrades Common access stairs/landings, pathways within the curtilage of the dwelling Individual dwelling balconies/verandas Individual dwelling attached garages, internal stairs Damp Proof Course Windows/doors Common windows/roof lights Underground drainage

Appendix 4

Housing and Childcare Services Protocol for preparing young people leaving care for independent living.

1. Purpose of the Protocol

Clackmannanshire Council has a corporate parental responsibility for Looked After Children and young people in our area.

One of our priorities within this responsibility is greater and improved housing support for care leavers, including dedicated provision.

Our Corporate Parenting Strategy recognises that times of transition in a young person's life need to be planned and supported. The Strategy also recognises that it is important that relevant information is shared to ensure a consistent service.

We are required to develop a more integrated support Pathways Plan for care leavers with dedicated support from the housing service, including developing housing support options that keep young people away from general homelessness provision.

2. Aims

- We aim to provide housing accommodation for young people leaving care, avoiding the homeless Route
- We are committed to ensuring that young people leaving care are never left roofless
- Our long term aim for young people leaving care is that they have a secure settled home
- We will aim to provide suitable accommodation for young people with particular needs.

3. Legislation/Government Guidance

- Children Scotland Act 1995 sections 29 and 30
- Looked After and Young People: We can and must do better Scottish Executive 2007
- These are our Bairns Scottish Government 2008
- Housing (Scotland) Act 2001
- Homelessness (Scotland) Act 2003

4. Council Policy

- Allocations Policy
- Corporate Parenting Strategy
- Homeless Policy

5. Roles & Responsibilities.

Child Care Services

100% of children who leave care (and are eligible) will have a Pathways Plan.

In order for a planned approach to accommodation Child Care Services will involve Housing Services from the beginning of the Pathways Plan.

The impact of emergency cases will be minimised by early engagement with Housing Services and a risk assessment.

A permanent single person's tenancy may not be the best option for a young care leaver in the first instance. Child Care Services will consider other options for transitional accommodation.

Housing Services

Housing Services will be fully involved in the Pathways Plan for young people leaving Care.

The Housing Tenancy Services Manager (or Tenancy Services Housing Options Co-ordinator) and Assessment and Case Management Co-ordinator will attend planning meetings for care leavers with Child Care Services.

Housing Support requirements will be identified by Housing Support Services who will be involved at initial planning stage.

In order to reduce the likelihood of anti social behaviour, or other issues regarding compliance with tenancy conditions we will provide a named Housing Officer as a contact for the young person.

Housing Services will assess the young persons housing need and where required will recommend a Direct Let authorised by Head of Service (or delegated Housing Service Manager) in line with policy and procedures.

Housing Services will provide for Corporate Parenting within the review of the Allocations Policy.

Housing Services will engage with other Social Housing Providers to increase options for young people.

6. Monitoring & Review

Child Care and Housing Services (including Housing Support team) will meet bi/monthly to discuss progress of current cases.

Tenancy Services Manager will present a report to HSMT on an annual basis, this will cover areas such as volume of cases, resource implications, success and progress of tenancies.

Signed

Head of Services Housing.....

Head of Child Care Services

