



Allocation Policy

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HAPPY TO TRANSLATE



Berwickshire Housing Association is a Registered Society. Registration No.: SP2482RS
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Creating thriving rural communities
www.berwickshirehousing.org.uk

Allocation Policy

BHA - Executive Summary

Berwickshire Housing Association operates a 'choice-based' allocations system in partnership with Eildon Housing Association known as Borders Choice Homes referred to throughout this document and within the Association, as BCH. In general terms, this means that properties available for let are advertised and that registered applicants apply for properties that are of interest to them, effectively building up an individual list of interested applicants for each available property. Scottish Borders Council (SBC) and Cairn Housing Association are also involved in partnership with the 3 main stakeholders of BCH.

Applicants can 'register' and apply for property immediately, but the system still retains an element of priority, based on housing need. Where there is significant problems with the household's current living arrangements, 'priority passes' to assess their level of need can be awarded, and can subsequently be used by applicants to increase their chance of being offered a property they have chosen to apply for. Priority passes are awarded on three levels; Gold, Silver and Bronze and are valid for six months. Please note that there are a number of circumstances where priority passes can be renewed after their 6 month expiry date. Applicants who do not qualify for a priority pass are grouped as 'Registered Applicants'

When allocating a house, the Association will consider in order of priority:

- 1 Who would make 'best use' of the property – i.e. use features of the house such as disabled adaptations or use all available bedrooms
- 2 The applicant with the highest level of priority pass (pass dates will be taken into consideration, i.e. the oldest priority pass will be the first applicant considered)
- 3 The applicant who registered first with BCH (i.e. date order, those registered with either Eildon, Waverley or Berwickshire prior to the launch of BCH will have their previous application date recognised in the system)

Senior Management within BHA reserve the right to interpret these criteria to meet the needs of applicants in the best possible way.

Once an allocation has been made, details of the number of applicants who applied for the property and the allocation in relation to priority and best use will be published on the homehunt website.

The policy is arranged in a number of sections (although this should not detract from the overall simplicity of the system), summarised as follows:

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1 AIMS OF POLICY

The aims of this policy are to:

- 1.1 Provide people across the whole range of housing needs with high quality accommodation which is suitable to their needs.
- 1.2 To help sustain and regenerate all communities in Berwickshire by providing housing at affordable rents.
- 1.3 To provide opportunities for existing tenants to transfer to other accommodation in order to meet individual households' changing needs and to maximise the use of and promote the best management of the stock.
- 1.4 To provide accommodation for people who are in housing need, living in poor housing conditions, homeless or those needing to move to receive or provide support.
- 1.5 To work closely with the local authority in order to ensure housing needs and demands are identified and met wherever possible.
- 1.6 To promote mutual exchange enabling tenants to source housing, of their choice, to meet their needs.
- 1.7 To provide opportunities and incentives to downsize assisting in freeing up much required larger properties and helping tenants affected by Welfare Reform.
- 1.8 To provide appropriate and affordable accommodation for armed forces personnel discharged from the Services

2 ELIGIBILITY

As the main provider of housing in Berwickshire the Housing Association is aware of its responsibility to provide housing across a wide range of needs and backgrounds. Registration will be open as follows:

2.1 Housing Need

The Association will encourage all those in genuine housing need to register with BCH and will encourage applicants to apply for Priority Passes to reflect those needs. This process is intended to be open with information made available as widely as possible to all users of the service. It aims to set out clearly for applicants the progress and outcome of their application, provide useful information to them and enable them to exercise real control in their search for a new home.

2.2 Age Limits

Anyone aged 16 or over will be eligible to register and apply for Priority Passes.

2.3 Residential Qualification

No restriction is placed on the location of the applicant's current residence with the exception that the applicant must have the right to reside or work in the United Kingdom.

2.4 Owner-occupiers

Owner-occupiers will be treated in the same manner as any other applicant on the condition that any property allocated will be their main and principle home.

2.5 Equal Opportunities

The Association will only allocate its properties in line with its stated policy and will not discriminate unfairly on any grounds including race, religion, sexual orientation etc. In the provision of all housing services the Association will seek to ensure equality of treatment in accordance with its policy on equal opportunities copies of which are available at each of its offices.

2.6 Held Registrations

In certain circumstances, as described below, applicants that register will have their registration put on hold. An applicant cannot apply for housing whilst their registration is on hold but will be informed of the reason for this, and what action BCH require them to take to remedy this situation. Registrations can be put on hold only in one of the following circumstances:

2.6.1 Rent Arrears and Rechargeable Repairs (Tenancy Related Debt)

The application will automatically be put on hold where the applicant owes the Association more than one months' rent relating to unpaid rent, service charges, legal expenses or rechargeable repairs or where the applicant owes another landlord more than one month in unpaid rent or any other tenancy related debt. This sanction will be waived where an applicant has kept to a repayment agreement with either the Association or its partners for more than three months to clear the debt*. If the debt is with a landlord operating out with BCH a reference will be sought and the registration will remain on hold until a satisfactory reference is provided and proof is provided that a repayment agreement has also been adhered to for at least 3 months. *If the debt is with BHA then no allocation or transfer will be permitted until the debt is below £500 and agreement has been in place for 6 months or longer.

The exception to the above is where an applicant is a Section 5 referral as we are not legally permitted under current legislation to put their registrations on hold. However if an applicant has been evicted by BHA then we will not accept the Section 5 referral for housing within the Berwickshire area (there may be very specific circumstances where this situation has to be considered) Scottish

Borders Council will continue to work with the referred person to support them in any payment arrangement. If the applicant has a past tenancy with us with significant debt and where decree was not granted we will liaise with SBC to ensure a repayment agreement is in place and at least 3 payments made before re-housing will be considered. Again there could be specific circumstances where this must be waived at the Housing Services Managers discretion in consultation with Scottish Borders Council.

2.6.2 Abandonment of Property

The application will be put on hold where the applicant has previously abandoned a property, until such time as any costs relating to that abandonment (such as unpaid rent, recovery costs or rechargeable repairs) have been paid in accordance with the 2.6.1. Where the applicant is a Section 5 referral the case will be treated in accordance with 2.6.1.

2.6.3 History of Anti-Social Behaviour or Criminal Activity

The Association wishes to work actively to challenge Anti Social Behaviour and Crime and is a member of the Scottish Borders Anti Social Behaviour Strategy Partnership.

Where the Association, another Local Authority or Registered Social Landlord has taken legal steps such as eviction or an Anti Social Behaviour Order against an applicant in a previous tenancy, or can demonstrate that the tenant was in serious breach of their tenancy agreement (not just isolated incidents of noise nuisance or lack of pet control for example), the application will be put on hold until BCH have discussed the case with the Anti-Social Behaviour Unit. Both parties will agree any action/support that may be required if an offer of tenancy is made. Where an eviction has taken place or an applicant has been in severe breach of their tenancy agreement, a Short Scottish Secure Tenancy (or Short Assured Tenancy in England) will be offered in the first instance.

In all other instances where the Association is satisfied that the Anti-Social Behaviour is unlikely to be repeated, a full Scottish Secure Tenancy (or Assured Tenancy in England) will be granted. Where the Association have previously evicted someone for anti social behaviour and the local authority make a Section 5 referral a case conference will be held to assess whether a tenancy will be granted and what supports will be in place. Similarly where the Association has taken action against someone in the course of a previous tenancy a case conference will be held to assess whether another tenancy will be granted.

2.6.4 Refusals

Where two offers of suitable properties have been made and refused in accordance with this policy (see section 9), the registration will be put on hold for a period of six months since the last refusal. This includes Section 5 referrals (in discussion with SBC).

2.6.5 False Information

Where the Association considers that an applicant has deliberately given false or misleading information in their application the registration will be put on hold for a period of six months. Should the applicant be a Section 5 referral we will have no grounds for suspension but will discuss with SBC.

2.6.6 Abuse Towards Association Staff

Where the applicant is abusive towards a member of staff (either verbally, physically or threatened), the Operations Director has discretion to place the Registration 'on hold' for a period of up to five years, depending on the nature of the abuse, although under normal circumstances this will be for a six months period. Any such decision is subject to appeal through the Association's Unacceptable Actions Policy.

2.6.7 Unsigned Registration Forms

Where the applicant has not signed the Registration form (or has deleted any of the eligibility criteria), the registration will be put on hold until either the relevant signatures have been obtained or BCH is satisfied that the criteria has been met

2.7 Telephone Registrations

Where details have been provided via telephone by the applicant the registration will be treated as an Unsigned Registration Form but the date of registration will be the date the initial information is received by BCH rather than the date the signed form is returned.

2.8 Transfer Applicants

Transfer applicants will be subject to the same conditions as all other Registered Applicants along with having to meet certain criteria to be eligible for a transfer-see Section 17.

2.9 Support

It is important to note that the Association will seek appropriate support packages with relevant agencies where a support need is identified. An appropriate package will detail how the tenant is to be supported, what level of support is to be provided, how any breaches of tenancy would be dealt with by the support provider and under what conditions the support would be ended (the Association would usually expect to be involved in any decision to withdraw support).

3. ARRANGEMENT WITH SCOTTISH BORDERS COUNCIL

3.1 Housing Register

BCH will maintain a register of applicants including details of their name, address and family size and any priority that has been awarded in accordance with this policy.

3.2 Homelessness

The commitment to the permanent rehousing of applicants found to be statutorily homeless and requiring rehousing in Berwickshire by Berwickshire Housing Association is in perpetuity. The Association is contractually committed to finding permanent accommodation wherever possible for those whom the Council deems it has a statutory duty to rehouse within the terms of current Homeless Persons legislation.

However, where the Association is required to rehouse an applicant who requires some form of support in order to sustain their tenancy, as a responsible landlord the Association will seek to ensure that relevant support is in place in line with the agreed Section 5 Protocol.

BCH has a Section 5 Protocol with Scottish Borders Council in relation to statutorily homeless applicants who are in priority need and will operate this protocol in conjunction with each organisation's allocation policy.

Applicants will be awarded a bronze homeless pass if assessed by Scottish Borders Council as in significant housing need or at risk of becoming homeless within 56 days but there is no legal duty to accommodate.. This is in line with the Homelessness etc. (Scotland) Act 2003. BCH may also assess an applicant's bronze homeless pass. Each case will be assessed on its own merit and BCH will take any information from Scottish Borders Council into consideration

4 ARRANGEMENTS WITH OTHER AGENCIES

Berwickshire Housing Association continues to develop good working relationships with other agencies / partners representing special needs groups in the area. Our aim is to ensure that once offered a property, individuals are able to sustain their tenancy with the necessary support in place if required.

5 HOW THE SYSTEM WILL OPERATE

- 5.1 BCH is open and accountable. The policy is written to meet the aims and objectives of the Association and in particular means that housing needs criteria will be measured and awarded priority in three groups; Gold, Silver and Bronze (see section 7). Applicants who are not awarded priority in one of these groups are referred to as 'Registered Applicants'. All properties will be publicly advertised unless paragraph 5.6 of this policy applies.
- 5.2 When a vacancy is advertised, registered applicants may apply for as many properties as they want at any one time.
 - 5.2.1 Where multiple applications for a house are made the first property that the applicant applies for will be taken as their first choice (unless they apply by post, where they can state their preferences in order).
 - 5.2.2 It is possible to register and apply for a property on the same day. New applicants can apply for Gold, Silver or Bronze priority, and if

awarded priority can be taken into account in respect of properties that are currently advertised (however, applicants who change any limitations to their pass that would increase their priority for a currently advertised property will not have this priority taken into account— see 8.14).

Homeless referrals from Scottish Borders Council automatically receive the appropriate priority pass on receipt (in writing) of the referral from the Council. Gold Section 5 homeless priority passes are valid for properties currently advertised when awarded. BHA reserve the right to discuss any concerns they have with a Section 5 referral direct with SBC and this may delay the priority being awarded.

5.3 Allocations will be made according to the following criteria:

5.3.1 House Size / Type

The Association aims to take a balanced view in terms of making 'best use' of the property. In general, this is defined as follows:

5.3.1.1 In the first instance property that is fully or substantially adapted for a disabled person will be offered to an applicant requiring all or most of the facilities (including bedrooms) or where the house is particularly suited to that person's needs subject to minor adaptations, regardless of the circumstances of other applicants.

5.3.1.2 Secondly, the property will be allocated to applicants who require any special features of the property (such as ground floor accommodation) for health-related reasons, above a family group, where both applicants have the same family size.

5.3.2 A family group is defined as a basic unit consisting of immediate family- parent/s and their children. Extended family such as uncle, cousin, sister (of parent) etc. will be considered after the family group. The Housing Services Manager may override this rule and BHA reserve the right to do so in exceptional circumstances or where they feel it reasonable.

5.3.3 Where there are no health-related needs as in 5.3.1.2 the offer will be made according to family size. The allocation will be made in the first instance to a family group which makes best use of the property. Household sizes are determined by the number of bedrooms and bed spaces needed calculated in accordance with the Association's assessment of overcrowding (see 8.6). The number of bedrooms needed is expressed first, so a 3/5 household requires five bed spaces and a total of three bedrooms.

5.3.4 However there are four possible variations of household types that require three bedrooms as follows:

3/6 – e.g. a couple with four young children, two of each sex

3/5 – e.g. a couple with three children

3/4 – e.g. a single person with three children

– e.g. a couple with two older children of opposite sexes

3/3 – e.g. a single person with two older children of opposite sex

3/3 - e.g. three indirectly or otherwise unrelated adults such as three friends

N.B. The above list is not exhaustive, simply for illustrative purposes

5.3.5 Similarly, there are variations of four bedroom households and variations of two bedroom households. Other applicants are couples and single applicants.

5.3.6 In the allocation of a 3/5 property all three bed households would be considered as equals in terms of making best use – i.e. a 3/5 household does not make better use than a 3/4 household, with the exception of 3/3 households who are not a family group (who are ranked after other household groups that would make best use, but before any that only require two bedrooms). This is because there are very few 3/4 and no 3/3 properties so it would be unreasonable to discriminate between these groups as it may be due to marital status.

5.3.7 Next, in order of best use would come 2/4, 2/3 and 2/2 households (again all treated as equals with the exception of 2/2 households that are not a family unit, who again are ranked after all other two bedroom households, but before one bedroom households).

5.3.8 Finally, couples (1/2) and single persons (1/1) would be ranked, but it depends on the availability of property in that locality as to how – i.e. in areas where there is a supply of single person (1/1) housing couples are ranked ahead of single applicants but in areas where there is no single person accommodation (i.e. all one bedroom properties are 1/2 properties), couples and single applicants are treated as equals. This decision is at the discretion of the Housing Services Manager.

5.3.9 Four, two and one bedroom hierarchies are constructed in the same way. There are two exceptions to this hierarchy as follows:

5.3.9.1 In the allocation of 3/6 properties, 3/6 households are ranked ahead of all other three bedroom households. This is because 3/6 households are not allowed to compete for other three bedroom properties.

5.3.9.2 However, as there are few 3/6 properties within the Association's current stock, 3/6 households will be considered as making best use of four bedroom properties in areas where there is no 3/6 stock.

5.3.9.3 In the allocation of two bedroom upper flats, couples (i.e. 1/2 households) and applicants with access, will be considered to make best use of that property (i.e. be given equal ranking status to households that require two bedrooms). This is because many couples and persons with access would like two bedroom properties,

such properties are in lower demand than houses or ground floor flats, and they are less suitable for family units than other properties. From the point of view of 1/2 households that hold a Priority Pass however, there is no requirement for them to apply for these properties (see 7.4), although they are free to do so. Where there are mobility problems within a couple or applicant with access the above will apply for ground floor flats. Where an applicant has access of three nights a week or more they will be considered ahead of people with less than 3 nights per week access.

- 5.3.10** Where an applicant has access to children they will be considered ahead of other applicants within their bedroom group. For example, if a 1/1 household with access applies for a two bedroom property, households that require both bedrooms on a permanent basis will be considered first, but should there be no such households, the household with access less than 3 nights per week would be considered ahead of all other 1/1 and 1/2 households.
- 5.3.11** Where an applicant is pregnant the unborn child will be classed as requiring one bed space therefore the applicant may have an increased minimum bedroom requirement. Where this is the case the applicant will be treated equally with applicants with the permanent bedroom requirement.
- 5.3.12** Some properties may be reserved for specific client groups, for example those classed as 'medium dependency', may be allocated in the first instance to older applicants ahead of family groups.
- 5.3.13** Specifically, where properties are designed for older people, older applicants will be considered first with all applicants aged over 60 considered first as a group then all applicants aged over 50 will be considered as a group then all applicants aged over 40 especially with specific needs, and finally, if there are no applicants aged over 40, all applicants will be considered as a group.
- 5.3.14** At present, the Association has one five bedroom property in its stock. The Association cannot accommodate families who require this size of property at present. Whilst being able to register for housing such households will be advised of the situation and given information about alternative housing options.

The preceding paragraphs are intended to be indicative of the Association's approach to evaluating best use of the property but all properties will be assessed on an individual basis, and so the Association's interpretation of 'best use' may vary according to individual circumstances. The Association reserves the right to determine 'best use' and the Association's decision on this matter is final. Any decision to vary from the prescribed format of determining 'best use' will be documented as part of the audit trail for that allocation and will be discussed where necessary with Senior Management. Should there be multiple refusals for a property and it has been in excess of 3 months since said property was advertised,

the Housing Services Manager reserves the right to re-advertise that property.

5.4 Priority

Where more than one applicant applies for a particular property and can demonstrate 'best use' of the property (for example, more than one identical family group who would use all the bedrooms), the property will be allocated to the applicant with the highest level priority pass (should there be multiple applicants with the same level of priority pass then the applicant with the longest standing priority pass will be successful in the allocation. If the priority pass date is the same then the applicant who has been registered longest will be successful.)

5.5 Date Order

Where more than one applicant who would make 'best use' of the property and there are no applicants with a priority pass the property will be allocated to the applicant with the longest standing registration

The software system informs the user of the date of registration. Should a registration be placed on hold and subsequently taken off, the original registration date counts as the date of registration, not the date when the "on hold" status is removed.

5.6 Properties that will not be advertised

The Association reserves the right to withdraw a property / properties from the normal allocation process and in certain circumstances allocate them as "management transfer". Management transfers are approved by the Operations Director and require an investigative process prior to any decision being made. Properties may also be reserved in instances where the Association may require properties for "decants", other agencies (e.g. transitional housing, the autistic society etc.) or for the provision of temporary accommodation for Scottish Borders Council. Properties may also be held to allow existing tenants to downsize, this will release a larger property back in to stock and help address affordability issues whilst releasing much needed larger stock.

The Association recognises the right contained within the Housing (Scotland) Act 2001, which gives powers to affect a 'management move', for example where there is an estate management issue where no one party can be blamed and a move seems the only realistic option. However, the Association's approach is to always tackle problems at source rather than potentially move a problem, but if circumstances do arise to warrant such a move, or there are some other exceptional circumstances, which clearly show that an allocation should be made (for example, to retain critical numbers of children within a local school), the right to reserve a property for such an allocation is retained.

5.7 Estate Management

In exceptional circumstances the Association reserves the right, where there are sound estate management reasons, not to allocate a property to an applicant who would normally qualify for the property. Examples where this might occur are where an applicant has previously harassed or assaulted a potential neighbour or where an applicant is fleeing domestic violence or harassment and the perpetrator would be a potential neighbour. This is not an exhaustive list but these powers are anticipated to be used only in exceptional circumstances, and therefore each case will be assessed on its merits. If the applicant bypassed is a Section 5 referral then a discussion with SBC will take place. If the applicant makes enquiries as to why they were not successful the Association will, wherever possible and subject to data protection, inform of the reasons why they were bypassed.

As described in 5.6, the right to affect a 'management move' (as defined by the Housing (Scotland) Act 2001), is reserved by the Association but this power is again only anticipated to be used in exceptional circumstances.

All offers made will have a full and accountable audit trail. In cases where the first qualifying applicant does not receive an offer on estate management grounds the reason(s) will be clearly documented by the staff member qualified to make that decision as part of that audit trail.

All offers are subject to a satisfactory reference, the Association reserve the right to retract an offer if an unsatisfactory reference is received.

6 METHODS OF ADVERTISING AND EQUALITY OF ACCESS

- 6.1** BCH wish to advertise available properties as widely as possible to ensure that both those with housing need and those who are vulnerable have sufficient access to the information they require and most importantly appropriate support to utilise the system fully. Additionally, BCH want to extend the service to potential tenants who may not have considered social rented housing, for example, families or young people who want to live independently but are considering owner-occupation or people that do not want to commit to six month contracts in the Private Rented Sector. The Association also seeks to give all applicants full and useful information to help them make both realistic and appropriate choices in their search for housing predominantly in the Affordable Housing Sector, but where possible in the Private Rented Sector if information is available.
- 6.2** The availability of information both generally and within communities will depend on the nature and requirements of both the Association and the needs of specific communities. The following list is intended to be neither inclusive nor exclusive, or indeed exhaustive, but to reflect the range of options that will be considered. The Association recognises the need to make information available

nationally as well as locally and the need to ensure that applicants with urgent housing need and the vulnerable in particular are provided with relevant information, and the methods used are intended to reflect this.

- 6.3** Weekly advertisements can be viewed in the Berwickshire News, Southern Reporter and Berwick Advertiser (covering the whole of the Scottish Borders, North Northumberland and parts of East Lothian)
- 6.4** Advertisements on the Association's website link to Homehunt website where registered applicants can apply.
- 6.5** Display boards in local housing offices
- 6.6** BCH has a 'free phone' recorded information service, accessible 24 hours a day, with information about current available properties.
- 6.7** The Association will establish or enhance its links with providers of support to vulnerable people within the area (for example, but not limited to, Penumbra, Scottish Borders Council Social Work Department, Scottish Borders Council Homelessness Service, NHS, local Citizen's Advice Bureau etc.). Scottish Borders Council Homeless Service will be sent a weekly flyer (either a hard copy or electronically), with details of available properties. Additionally a support provider identified for a specific applicant will also be sent specific correspondence.
- 6.8** Results of each allocation (e.g. number of applicants that applied, how the allocation was made etc.) are published within the homehunt website reporting pages.

7 THE PRIORITY SYSTEM

- 7.1** Priority is given on three levels; Gold, Silver and Bronze. Only one pass can be held at any one time. Qualifying for a particular pass in more than one way still results in an award of that pass. Only one pass can be awarded for one set of circumstances (i.e. if an applicant/s qualifies for two or more passes, only the highest level pass will be awarded and they cannot then subsequently apply for other passes if that pass expires). New passes can only be awarded if the applicant's circumstances change and an application for re-assessment is made.
- 7.2** Priority is awarded in six areas; Homelessness, Health Grounds (see *Unified Health Assessments Procedure*), Unsuitable Housing, Overcrowding, Under Occupancy and Specific Need to be in the Community. Priority for specific groups will be awarded out with the current process e.g. Houses for discharged Service Personnel.
- 7.3** Where priority is awarded, a 'Priority Pass' is awarded at the appropriate level and in all cases lasts for six months (with the exception of Under Occupancy where the pass does not expire). The pass can be awarded for specific property types (such as level

access), or for specific areas (one or more named settlements), or for all suitable property.

- 7.4** If a pass is not used it will expire and cannot be renewed for the same circumstances for six months after its expiry unless no suitable property has been advertised or unless suitable property has been advertised and the applicant has registered for it but has been unsuccessful. In these circumstances the pass will be awarded automatically for a further six months. If the pass does expire the applicant will continue to be able to apply for properties as a Registered Applicant. There will be regular meetings with Scottish Borders Council to discuss Section 5 referrals and the applications to properties we have received.
- 7.4.1** Suitable property is defined as property of a type and size needed (as opposed to want) by the family group to alleviate the particular housing need advertised in an area appropriate to their Priority Pass (see Limiting Passes, 8.11).
- 7.4.2** Wherever a priority pass is withdrawn the applicant will be informed in writing or via email why this has occurred. This will include details of suitable properties which they have not applied for and they will be given the opportunity to appeal at this stage
- 7.4.3** If the applicant wishes to appeal they must do so in writing to the Housing Services Manager of the landlord responsible for awarding priority passes at that time who will respond within 10 working days. Where the applicant disagrees with the decision of the Housing Services Manager they will be encouraged to use BCH complaints process.
- 7.4.4** If an application is put on hold and a priority pass has been awarded, the applicant can re-apply for that pass should it be lost during the time when the application was on hold. Further application should be made when the hold status is lifted.

8 DEFINITION OF PRIORITY BANDS

8.1 Gold Priority

8.1.1 Homelessness (Priority Need)

Persons nominated to BCH by Scottish Borders Council in accordance with the Section 5 Protocol. Should clarification be required about homelessness referrals and allocations please contact the Housing Services Manager in the first instance.

8.1.2 'A' grade Health Assessment

Very High Priority - Where an applicant has a health problem and is unable to return to their home or unable to continue living in their own home because they would not be able to gain access to essential facilities unaided and/or they are at significant risk of doing so, or due to significant and enduring mental illness they are unable to return or

continue to live in their current home and/or environment, and it is not practical to adapt their home to meet their needs.

8.1.3 Duty to Co-operate:

Where an applicant is granted a gold priority pass and is a registered sex offender or violent offender they will be considered ahead of Section 5 referrals, at SBC's request, if a risk assessment deems a property suitable for their particular needs and SBC require them to be prioritised.

8.2 Silver Priority

8.2.1 Significant Overcrowding

Where the required number of bed spaces exceeds the number available then overcrowding exists. All rooms in the existing accommodation which are bedrooms, or could reasonably be used as such, and all persons living there, will be taken into account. Children up to and including the ages of 15 of the same sex can share a bedroom. Children up to and including the ages of 7 of different sexes can share a bedroom. If the room is smaller than 50 square feet, or does not have natural lighting, it shall not be regarded as a bedroom available to the household

Significant overcrowding priority is awarded where an extra bedroom is required with the following exceptions:

- *All single people aged 16 and over require a separate bedroom. However, when overcrowding involves children of the same sex, at least one of whom is over 16, this is classed as minor overcrowding – see 8.3.2.*
- *Where an applicant has been significantly overcrowded for a considerable period of time (for example 9-12 months) the Housing Services Manager will discuss the case with SBC to determine the reasonableness of allocating a property to the applicant before a Section 5 referral. All applicants' circumstances and significant level of need will be taken in to consideration.*

8.2.2 'B' grade Health Assessment

High Priority - Where an applicant has a health problem and is living at home and they are unable to gain access to essential facilities unaided, and/or they would be housebound because they could not get out of their home unaided, or their mental illness severely restricts their ability to continue to live in their current home and/or environment and it is not practical to adapt their home to meet their needs

8.2.3 Unsuitable Housing (Higher Level)

There are two ways in which this pass can be awarded as follows:

- *The property is lacking one or more of the following amenities – piped water supply, inside flushing toilet, hot water supply, separate cooking facilities, fixed bath/shower*
- *The property has been assessed by Scottish Borders Council to be below the ‘Tolerable Standard’*

8.2.4 Under Occupancy

This applies to tenants of the Association or a Registered Social Landlord occupying houses with two or more bedrooms in any town or village within The Scottish Borders, where one or more of those bedrooms is unused. The pass applies to transfers to smaller properties in any town or village.

8.3 Bronze Priority

8.3.1 Homelessness (non priority need)

Persons nominated via Scottish Borders Council Housing Options Assessment as in significant housing need or at risk of becoming homeless but the Council do not have a legal duty to provide accommodation. If the applicant has not had any contact with Scottish Borders Council they are able to be assessed by BCH. Each application will be assessed on its own merit and following guidelines from Scottish Borders Council.

8.3.2 Minor overcrowding

Where the required number of bed spaces exceeds the number available, then overcrowding exists. All rooms in the existing accommodation which are bedrooms, or could reasonably be used as such, and all persons living there, will be taken into account. Children up to and including the ages of 15 of the same sex can share a bedroom. Children up to and including the ages of 7 of different sexes can share a bedroom.

Minor overcrowding priority is awarded in all instances of overcrowding not covered by the Significant Overcrowding priority (see 8.2.1). Specifically, this includes:

All single people aged 16 and over require a separate bedroom. However, when overcrowding involves children of the same sex, at least one of whom is over 16, this is classed as minor overcrowding.

8.3.3 ‘C’ grade Health Assessment

Medium Priority - Where an applicant has a health problem and is living at home and becoming less able to get out of their home unaided, or they are becoming less able to cope in their current home and/or environment due to their mental illness and it is not practical to adapt their home to meet their needs

8.3.4 Unsuitable Housing (Lower Level)

There are three ways in which this pass can be awarded as follows:

- *The property is lacking one or more of the following amenities - wash hand basin, a fixed heating source, (or only one fixed heating source in a property with two or more apartments)*
- *The property has been assessed by Scottish Borders Council to be in 'Severe Disrepair'*
- *There is a combination of factors connected to the design, layout or location of the property, where the applicant can demonstrate that the housing is totally unsuitable for the household and this situation is not covered by a health assessment or other priority group. Such cases would be assessed on an individual basis with priority in these circumstances awarded only in exceptional circumstances at the discretion of the Housing Services Manager following a recommendation from a Housing Officer or the Allocations Assistant.*

8.3.5 Specific need to be in a community (and not falling into any other need category)

Specific need to be in a community is to recognise social need within a named community or communities. It will only be awarded where no other priority has been awarded. The Health Assessment process covers care and support needs therefore priority on these grounds cannot be awarded under this aspect of the policy unless the applicant is moving to offer care or support. However, it can be awarded where any one of the following circumstances applies:

- *Near amenities – where a move is necessary to promote or sustain independent living and access to amenities such as shops and services are not reasonably accessible (for example, it is unlikely that a car owner would fit into this priority category)*
- *To offer care or support – where a move is necessary to offer a level of care or support where the need for support can be demonstrated (either in the opinion of the appropriate Housing Officer, or by the support of a local GP or other professional), and where the recipient of the care or support would receive a grade A, B or C under the Association's health assessment scheme. The recipient must also confirm willingness to accept the support*

8.4 Assessment of Homelessness

8.4.1 Scottish Borders Council will assess all instances of homelessness (unless it is appropriate for another Local Authority to make an assessment and make a subsequent referral to Scottish Borders Council), and provide temporary accommodation where appropriate. Priority will only be applied to homeless persons in accordance with homeless legislation.

8.5 Health Assessments

8.5.1 Health Assessments are carried out geographically within the Scottish Borders (see Unified Health Assessment Procedure) by each landlord, BCH (Eildon) are responsible for all Health Assessments submitted from out with the Scottish Borders.

8.5.2 The Health Assessment process is the result of a joint approach by the Association, Borders Health Board and other local agencies, and is reviewed separately from this policy.

Where a health related benefit of moving is established and it would be impractical (because of the applicant's health) to move more than once, the assessor may take into account the overall housing situation in their assessment and grading.

8.6 Assessment of Overcrowding

8.6.1 The Housing Assistant at BCH (Eildon) will carry out the overcrowding assessment, requesting a home visit from a landlord to assess levels of overcrowding if appropriate, and will award priority as outlined in 8.2.

8.6.2 The Association exceeds the requirements of the Housing Act in terms of its policy on this issue.

8.6.3 Only permanent residents will count in any assessment (see 8.10 Access to Children), with the exception of children who are attending a University or other residential college course or who are in the Forces (in single accommodation) who will be counted as permanent members of the household if they were resident at the time they left home and if they continue to reside at home during holiday periods.

8.7 Assessment of Unsuitable Housing

8.7.1 If the property is lacking any of the basic amenities, or an application is made for a discretionary pass, the assessment will be made by the Housing Assistant at BCH (Eildon) who may pass to BHA staff if further investigation required.

8.7.2 An assessment can be made on behalf of BCH by Scottish Borders Council Protective Services Department.

8.8 Assessment of Other Priority Groups

8.8.1 The Housing Assistant at BCH (Eildon) will carry out the assessment of Specific Need to be in a Community and under occupancy in line with the stated policy.

8.9 Deliberate worsening

Where a registered applicant applies for priority BCH will consider how the priority (if there is found to be some) arose. If it is considered that the applicant is in their present circumstances as a deliberate or negligent act, and that these circumstances are worse than they would otherwise have been, priority in relation to the current situation

will not be awarded for a period of six months from the date the worsening occurred. However, any priority that would have been awarded based on previous accommodation (i.e. the accommodation the applicant lived in prior to worsening their situation) will be awarded during this period.

8.10 Access to children

Only children that reside permanently with the applicant or whose primary home is with the applicant are counted in terms of a family group. Access of 3 nights or more will be considered ahead of access of less than 3 nights but after full permanent residents. Where there is access to children of less than three nights this will not be taken into account in terms of family size, but instead, applicants will be encouraged to apply for property in areas of lower demand if they require 'spare' bedrooms. However, to ensure properties with 'spare' bedrooms are allocated where possible, access to children of less than three nights is taken into consideration in determining 'best use' of a property

8.11 Limiting Areas for Priority Passes

8.11.1 Priority passes can be limited to specific communities. In some cases they can be limited (chosen) by the applicant and in others BCH or another agency would limit the pass, simply because of the nature of the pass – for example, a pass awarded for specific need to live in a community will be limited to that specific community as part of the assessment process. Each priority area is therefore dealt with in turn to identify who and in what circumstances a pass can be limited.

8.11.2 A pass limited to a specific community means that the priority applies in that community. This does not prevent an applicant for applying for any advertised property in any other community, but if they do, they apply with no priority (i.e. they apply as a Registered Applicant). BCH reserve the right to review the validity of a priority pass should the applicant apply for properties out with the community stated. However, if no suitable property is advertised in the area in which their pass is valid (regardless of any housing which would have met their basic housing need being advertised in any other community), their priority pass will be automatically renewed on expiry.

8.11.3 Passes can be limited as follows:

Homelessness

Where a referral is made by Scottish Borders Council that referral will include the specific communities in which the pass will be valid

Health Assessments

In the first instance, the assessor will limit the pass, if there are health related grounds on which to do so (for example, if the health related benefit is to be near a carer, the pass will be limited to areas within reasonable travelling distance of the carer). However, if the pass is not limited by the Health Assessment, the applicant may then choose to limit the areas to which it applies, or may choose to further limit any areas specified by the assessor

(although this will be assessed by BCH to ensure reasonableness).

Overcrowding

The applicant can limit the pass.

Unsatisfactory / Unsuitable Housing

The applicant can limit the pass.

Under-Occupancy

There is no need to limit this pass as it cannot expire, and can only be lost if an offer is made (see 9.3.2).

Specific Need to be in a Community

This pass by its nature will be limited by BCH as part of the assessment, in most cases to one named community (because a *specific need* to live there has been established), but there may be occasions when it is appropriate to limit the pass to other neighbouring communities (for example if the pass is awarded to someone to offer care or support to a relative and they own a car, it may be reasonable to limit the pass to communities within reasonable travelling time). However, this can only be done where, should the applicant subsequently move to one of those neighbouring communities they would not qualify for any priority under this policy in that community at the time they move.

8.12 Other Limits for Priority Passes

Passes can be limited as follows:

8.12.1 Area

The pass can be limited to any combination of local communities in which BCH owns property. In general, the applicant has complete freedom in limiting areas, with the exception of passes awarded for homelessness, health and specific need to be in a community, where limits are set as part of the assessment. Similarly, passes awarded under the health assessment procedure will be limited first by the assessor (on health grounds), and then subsequently limited further by the applicant, if they wish and with review by BCH.

8.12.2 Type of Property

The type of property can only be limited by the assessor with the exception of sheltered housing which can be limited by applicants who have reached retirement age.

Priority passes can be limited to specific types of properties, (namely bungalows, houses, ground floor flats, upper flats and sheltered housing, in accordance with paragraph 8.13).

8.12.3 Special Features

Special features can be limited by the assessor on health grounds in respect of either ground floor accommodation or wheelchair accessible housing (which automatically means that they cannot use

a priority pass for a house or an upper flat, but will receive additional priority in making 'best use' of ground floor or wheelchair accessible accommodation as appropriate). Priority passes can be limited to specific features properties, (namely wheelchair accessible housing, accommodation with a level access shower and ground floor accommodation). A level access shower limit can only be added as part of a Health Assessment or underlying health need.

8.12.4 A pass limited to a specific property type, area or property feature means that the priority applies to properties that meet those specific criteria only. This does not prevent an applicant from applying for any advertised property, but if they do, they apply with no priority (i.e. they apply as a Registered Applicant). However, if no suitable property is advertised of the type to which their pass is limited to, their priority pass will be automatically renewed on expiry. BCH reserve the right to review the priority pass should the applicant apply for properties out with the specifications that their needs have been demonstrated in.

8.13 Combining Limits to Areas and Property Types

8.13.1 A combination of limiting both areas and property types is possible, as long as both limitations comply with the policy as stated. For example, the Association may limit a pass to ground floor accommodation following a health assessment and the applicant may then choose to limit their areas in addition.

8.13.2 If a pass is limited as part of a Health Assessment and an applicant applies for properties that do not meet these limits (for example, a pass is limited to ground floor accommodation and the applicant applies for an upper flat, or they apply for a property that a carer would not have reasonable access to), then the Association reserves the right not to consider their application if, in the opinion of Association staff and based on the Health Assessment, such a move would be detrimental to the applicant or would not fully resolve their housing need.

8.14 Removing Limitations

An applicant cannot try to 'add' a preference (i.e. remove a limitation) to enable them to have higher priority for a currently advertised property, but can otherwise request to change their limitations at any other time, provided that they are able to limit a pass as defined in this policy

9 OFFERS AND REFUSALS

(All offers are provisional in the first instance)

9.1 Offers will be made as soon as practically possible after the closing time for registrations, which would normally be within 2 working days.

9.2 Offers will be made where possible by telephone and offer documents sent out by First Class post or email the same working day (regardless of whether or not telephone contact was made).

- 9.3** The telephone offer is simply made as a courtesy call to alert the applicant to the fact that the offer documents are being sent to them. There is no requirement on the applicant to make any decision in relation to the offer (and this will be made clear to the applicant as part of the conversation), but they may refuse the property outright, or take steps to arrange a viewing of the property, if they wish.
- 9.4** Where a telephone offer is refused, 9.2 does not apply as offer documents will not be sent out, but the refusal noted, along with reasons, and a new offer within the terms of this policy made. If a clear refusal is made, a letter confirming that refusal will be sent on the same working day.
- 9.5** Where the applicant has been referred by Scottish Borders Council Homelessness Service or any specifically identified support provider, the referral agency will be notified of the offer (in addition to the applicant), by First Class post or email on the same working day.
- 9.6** Where an offer is made the applicant will have three working days from the day the offer is made to respond. If they do not respond in this time an offer will be made to the next qualifying applicant, unless there are no qualifying applicants, when the Housing Services Manager must be notified (to assess the reasons for lack of demand and any possible changes to the next advertisement), and the property will be re-advertised (see 5.3.14).
- 9.7** Where the applicant responds the offer will be held open until one working day after the applicant views the property (which will normally be an accompanied viewing). All reasonable attempts will be made by Association staff to ascertain a decision from the applicant if they fail to respond. If there is no response the property will be re-offered as described above.
- 9.8** Where the applicant refuses an offer they will be asked to state their reasons, which will be recorded. The property will then be re-offered as described above.
- 9.9** Where an applicant refuses two offers suitable for their needs and they used a priority pass to secure those offers their application will be put on hold for a period of six months. A reassessment of priority may be required.
- 9.10** Where an applicant refuses an offer that was suitable for their needs, but they did not use a priority pass to secure that offer (i.e. they applied as a Registered Applicant), they will be allowed one further offer (i.e. a maximum of two offers). If they subsequently apply for, are offered and then subsequently refuse a second property, their registration will be put on hold for six months.
- 9.11** Because the applicant exercises discretion over whether or not to apply for a property in the first place penalties will only be waived in exceptional circumstances (for example, a close family bereavement during this process may mean a move for an applicant becomes impractical and so a refusal in such circumstances could be accepted without penalty).
- 9.12** Penalties will only be waived at the discretion of the Operations Director or Housing Services Manager of the landlord responsible for allocations on application from the applicant to have the penalty

waived. If the applicant does not agree with the decision of the Operations Director or Housing Services Manager in these circumstances, the applicant will be encouraged to use the BCH complaints policy.

- 9.13** The centralised BCH service will collect and circulate information on applications for individual properties, offers, refusals and void periods and will circulate this amongst appropriate staff within the Association.

10 REPORTING ALLOCATIONS

When an offer is accepted, details relating to that allocation will be published to assist other applicants in making informed housing choices. The Association, via homehunt website, will publish (but is not limited to publishing, or bound to publish) the following details:

The address and allocation date of the property; type and size of property; number of applicants applying for a specific property; whether or not 'best use' was made of the property; the Registration Date of the successful applicant; whether or not a priority pass was used to secure the offer.

11 FALSE AND / OR MISLEADING INFORMATION

- 11.1** BCH will not tolerate any attempt to gain a tenancy or priority pass by the provision of false and / or misleading information. BCH will make clear at every step of the application and allocation procedure the potential consequences of providing false or misleading information and will require the authority of the applicant to carry out reasonable checks to validate any statements they make. If the applicant will not agree to this, registration will be put on hold or an offer of property withdrawn (as appropriate).

- 11.2** BCH will ask each applicant to confirm by signing a disclaimer, stating that their circumstances do not contravene (at the time of registration, or subsequently on application for priority, or subsequently on the offer or acceptance of property) the Association's stated policy on the following issues:

Rent Arrears / Rechargeable Repairs/Anti-Social Behaviour / Criminal Anti-Social Behaviour/Convicted of a sexual or violent offence/Having the right to reside in the UK (household)/Require support to maintain tenancy/Any relation to BHA Group employees/Trustees/Whether any paid work has been carried out for BCH within last twelve months

- 11.3** Where the supply of false and / or misleading information is discovered whilst the applicant is registered with BCH, the registration will be put on hold for a period of six months.
- 11.4** Where the supply of false and / or misleading information is discovered after an offer of property has been made to the applicant and the tenancy has not yet commenced (regardless of whether or

not a tenancy agreement has been signed), the offer will immediately be withdrawn (but not re-offered for three working days to give time for any appeal by the applicant.), and their registration will be put on hold for a period of six months.

- 11.5** Where the supply of false and / or misleading information is discovered after a tenancy has commenced, the Association will immediately seek to take recovery action (i.e. take steps to repossess the property), as long as (in the opinion of the Association's legal advisors), it is reasonable to do so.
- 11.6** Where a penalty is imposed as a result of the discovery by the Association of false and / or misleading information, the applicant will be informed in writing, with the reasons for the decision, within five working days. However, where a penalty is imposed as a result of the discovery by the Association of false and / or misleading information, and the applicant has been made an offer of property (or has accepted an offer of property, but the tenancy has not commenced), the applicant will be informed in writing with the reasons for the decision on the same working day.
- 11.7** Where a penalty is imposed as a result of the discovery by the Association of false and / or misleading information (and a tenancy has not commenced) the applicant is entitled to appeal. This must be made to the Housing Services Manager who will respond within 10 working days. Where an offer of property has been withdrawn the appeal must reach the Housing Services Manager within three working days of the date of the notification of the withdrawal of the offer, either verbally or via post, to prevent the property being re-offered (this information, and details of the appeal process and timescales will be contained within the letter). Where such an appeal is made the property will not be re-offered until the appeal is determined by the Housing Services Manager.
- 11.8** If the applicant does not agree with the decision of the Housing Services Manager they will be encouraged to use the BCH complaints policy.
- 11.9** In order that the property is not re-allocated, where the applicant disagrees with the decision of the Housing Services Manager, they must register their complaint within three working days. Where this occurs the property will not be re-allocated until the complaint is resolved, in accordance with the BCH Complaints Policy.

12 APPEALS PROCEDURE

BCH aim to make the registration process and priority process as straightforward as possible, and aim to provide applicants with clear information about all aspects of the scheme.

It accepts, however, that from time to time cases will arise where the applicant may not be satisfied with their treatment under the scheme, for example in a decision about worsened circumstances, or may not

be happy about the outcome of a priority assessment as, in some cases, for example Health Assessments, the assessment can be subjective.

Wherever an assessment is made the outcome will be detailed in writing to the applicant. The option to appeal will always be made available if the applicant disputes any aspect of the assessment. Details of how an applicant can appeal are found in BCH Complaints Procedure.

13 REVIEW OF REGISTRATIONS

13.1 Applicants are under no obligation to apply for any advertised properties, nor is there any maximum number of properties that they can apply for (unless they are penalised through refusals), and therefore may be registered indefinitely if they wish.

13.2 However, if an applicant does not apply for any properties over a year the applicant will be contacted to confirm that they wish to continue to be registered. This is to ensure that the applicant understands that they must apply for advertised properties if they wish to be considered for them and to identify any changes in their circumstances if they have not been reported to the BCH. The centralised BCH service is responsible for this.

13.3 Where the applicant does not respond within twenty eight days the registration will be cancelled.

13.4 Where a registration is cancelled in this way the applicant is free to re-register at any time. Additionally, if there are exceptional reasons (for example, the applicant was in hospital when the letters were sent out), the applicant can appeal against the cancellation of registration by applying in writing to the Housing Services Manager (Eildon) who will respond within ten working days.

13.5 If the applicant disagrees with any decision they will be encouraged to use BCH complaints policy.

13.6 Where a registration has been made by telephone, the applicant is posted a registration form with the details given to check and sign. Where this registration form is not signed and returned within twenty-eight days, the registration will be withdrawn.

14 OTHER HOUSING OPTIONS

The Association will seek to promote the availability of other housing options through the provision of advice and information at its local offices.

In addition, the Association has within its stock several Shared Ownership properties. Where a shared ownership property becomes available it will be allocated in accordance with this policy, by advertising the property, asking for expressions of interest, and

allocating using the same priority assessment as for the allocation of mainstream properties. Additionally however, the Association reserves the right to take into account factors such as the share of the property to be bought and household income in assessing which applicant has the greatest need to access low cost home ownership.

15 ASSESSMENT OF HOUSING NEED

The Association is provided with unrivalled information in terms of housing need within its stock, as precise demand is shown with every mainstream allocation. This enables comparison between and within specific settlements, streets, house construction / design types, aspect etc.

However, the Association recognises that whilst this will provide far more accurate information than prior to the introduction of homehunt in December 2001, it may still not uncover 'hidden' demand within communities. For this reason, the successful partnership with the Rural Housing Service in commissioning local Housing Need Surveys, covering all tenures within a defined locality, will be continued on a cyclical basis throughout the Berwickshire area, and will be shared with interested parties such as Scottish Borders Council and The Scottish Regulator to help inform overall debate around local housing need.

In addition, the Association will continue to work closely with Scottish Borders Council and The Scottish Regulator in particular, to facilitate the construction, purchase or renovation of properties in the area to meet the needs of local people (although any information will be statistical, and will not include any personal information about individual applicants). In particular, the Association will contribute positively towards the Council's Local Housing Strategy.

16. MUTUAL EXCHANGE

16.1 Most mutual exchange requests or transfer applications will be straightforward, however there may be times when BHA refuse permission where there is reasonable reason to do so

Reasonable reasons include, but are not restricted to:

- a)** rent arrears other tenancy related debt
- b)** anti-social behaviour
- c)** Unacceptable house conditions (damage to our property/decor etc.)
- d)** Where a move would result in any kind of priority under the allocation policy unless this previously existed at the property exchanged from.

e) Where a property is designed for a disabled person or for someone with mobility issues and the proposed incoming occupier does not require these facilities.

16.2 BHA will also refuse permission for a mutual exchange when made aware that one party intends to terminate the tenancy immediately after an exchange takes place.

16.3 Any tenant who holds a Scottish Secure Tenancy (SST) has the right to apply for a mutual exchange with another tenant of a social landlord. A mutual exchange is where two, three or more tenants agree to swap accommodation and relies on each tenant moving into their exchange partner's property on a permanent basis. An exchange cannot take place to an empty property. Similarly an exchange cannot take place if a landlord is aware that one of the parties intends to terminate their tenancy.

16.4 A tenant will be subject to the following checks:

- Rent/Debt
- Anti-Social Behaviour
- Household Makeup
- Existing Right to Buy.
- Inspection of the internal/external attributes of the property
This is not exhaustive and other checks may be considered depending on each individual case.

16.5 Tenants considering mutual exchanges accept the property in its current state, although a mutual exchange will not be granted if the property is in poor condition. BHA will not be responsible for maintenance for the first six months of the tenancy with the exception of planned works and repairs required to ensure a property complies with health & safety and the statutory responsibility to ensure the property is kept wind and watertight.

16.6 A tenant must hold a tenancy for at least 6 months before a mutual exchange will be considered and any requests will be dealt with by the Housing & Maintenance Officers within 28 days. On acceptance of a mutual exchange, a tenancy will be created in the same name as the tenancy the applicant is transferring from.

17. TRANSFERS

17.1 Transfer applicants register, apply and are awarded priority in the same way as other applicants. They are subject to the same eligibility criteria as any other applicant and the Association recognises that transferring tenants encourages good use of housing stock, promotes mobility and meets changing needs.

17.2 A transfer is when an existing tenant bids to move to another void property via our choice based lettings system. If they are successful in their bid then they can effectively transfer to another property providing they meet criteria set out in the transfer procedure. This criteria includes:

- a)** rent arrears checks (Any rent arrears or tenancy related debt must have an agreement which has been in place and maintained for at least 6 months and debt due must be under £500)
- b)** anti-social behaviour checks
- c)** inspection of the internal/external attributes of property – no tenant will be given permission to transfer unless their property is left in good condition; it should require the necessary safety inspections.
- d)** Household Makeup
- e)** Any applicant who will lose Right to Buy when carrying out a transfer will be advised of this accordingly.

18. DOWNSIZING

18.1 In light of welfare reform and the need for family homes increasing the Association may from time to time withhold a property from advertising to use as a 'downsize' property. Any tenant who has a spare bedroom may request to be registered to downsize.

18.2 A tenant eligible for downsizing, criteria is set out in the downsizing procedure, can be awarded £500 per spare bedroom although this amount may reduce in accordance with the procedure.

18.3 Any downsize is at the discretion of the Housing Services Manager or Team Leader.

18.4 The Allocations Assistant will maintain a register of tenants wishing to downsize deriving from information supplied from the Housing Officers/Housing Assistants.

18.5 The Downsizing incentive will be reviewed annually, taking in to account the external environment, budgets and stock demand.

19. HOUSING FOR VETERANS

19.1 BHA will allow access to housing for Service Personnel in specific circumstances. Direct applications to BCH (and specific housing providers) will be accepted 12 months before discharge and 6 months after. This would allow families to be re-settled at an earlier stage. The applicant will require to have a local connection with the Scottish Borders.

To qualify under these criteria the applicants must:

- Be currently serving with one of the recognised Ministry of Defence Armed Forces, with less than one full year till discharge
- Have been discharged from the Armed Forces within six months of applying for housing
- Have a local connection to the Scottish Borders
- Have completed at least a 3 year fixed term contract or have been or are about to be discharged on medical grounds
- Be the surviving spouse/partner or a non-dependent child (aged 16 or older) of a deceased Forces Personnel (either serving or served within the past six months)

19.2 Applicants will not be eligible if they have been discharged through disciplinary procedures or as a result of failing the Ministry of Defence's Compulsory Drug Testing programme.

19.3 Applicants will be able to exercise the same level of choice over property type and location as any other applying for BHA housing. However they will only receive one offer and it will be within 12 months of discharge – they can then apply for housing through the normal BCH process in line with current policy.

Allocations for this group will be made through Management Decisions.

20. THE ROLE OF STAFF AND TRUSTEES

The Trustees will approve and review BHA's Allocation Policy and ensure that:

- It is implemented correctly, taking account of reports presented to the Trustees in the agreed formats.
- It is meeting the stated aims and objectives of the Association, taking account of reports presented to the Trustees in the agreed formats.

A regular review of the Policy to identify and remedy any shortcomings in its operation or content will be carried out, including consideration of feedback from tenants and other interested parties. As a minimum, this

review will be carried out on a comprehensive basis once every two years.

21. SCHEDULE 7 ALLOCATIONS

Part 1 of Schedule 7 of the Housing (Scotland) Act 2001 restricts the type of benefits and payments that can be made to employees, governing body members and families of employees and governing body members. In relation to this policy, Schedule 7 requires the allocation of tenancies made to applicants covered by Schedule 7 to be reported to the Trustees. The role of the Trustees in these cases is to confirm that the policy of the Association has been followed correctly by staff and to approve entries into the Schedule 7 register.

Individuals covered by Schedule 7 are as follows:

- a) Members of the governing body
- b) Including all members of the governing body, co-opted members and members of any Committee or equivalent, over which the governing body has delegated powers.

An employee is defined as anyone with a contract of employment with the BHA Group and is paid a salary or wages. This could extend to someone working with the Association on a freelance basis.

- c) People who have been a member of the governing body or an employee within the previous 12 months
- d) A close relative of a person in any of the categories above

A close relative is a direct family member (e.g. spouse or co-habitee, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece). A step-child or other child that is treated by the applicant as their child (e.g. they are a guardian) is subject to Schedule 7.

Where a Schedule 7 allocation arises, i.e. the person to whom the tenancy is to be offered is a Trustee, an employee, or a close relative of a Trustee or employee, the Operations Director has the authority to approve any offer in line with this policy. An offer should not be made until such approval is given. The allocation should then be presented to the Convenor and Chief Executive for approval before the allocation is formally entered into the Association's Schedule 7 register which is held for public inspection at the Association's registered office.

22. CONFIDENTIALITY, DATA PROTECTION & GDPR

The BCH service is operated by Berwickshire Housing Association Limited, the Data Controller, whose registered office is at 55 Newtown Street, Duns, Berwickshire, TD11 3AU. Information given by the applicant or obtained from a third party in accordance with this policy will be held by BCH and used solely for the purposes of operating and administering this service, and for providing BCH with statistical information relevant to the Association's business development,

service improvement or reporting of its activity as a business. BCH will not disclose any information without the written consent of the Registered Applicant unless it is required to do so by law or by its regulators.

Where details of an allocation are published no details about the applicant's circumstances will be disclosed. The only details to be published in relation to the individual application are whether or not a priority pass has been used and the date of registration. The reasons for the award of any pass cannot be discussed or disclosed to anyone other than the applicant or to someone who has delegated authority to act on their behalf.

Applicants sign a disclaimer on registration allowing BCH to publish details of any priority pass used in any allocation, whether or not any special features of the house, such as design, location, access or layout, are to be utilised by the applicant, and whether or not the property is to be under occupied by the applicant and their family group.

In order for us to manage your agreement with us, we need to process personal data. We will always process personal data in line with our Data Protection Policy, Our Privacy Policy and our Fair Processing notices all of which are available on our website at www.berwickshirehousing.org.uk, via email to data@berwickshirehousing.org.uk or by writing to:

The Data Protection Officer
Berwickshire Housing Association
55 Newtown Street
DUNS
TD11 3AU

23. POLICY REVIEW

This policy will be reviewed by the Operations Director every two years or sooner to ensure that its aims are being achieved in line with any relevant changes in legislation and regulatory requirements.

24. COMPLAINTS

All tenants have the right to complain or appeal if they feel that BHA has not dealt properly with their application. A complaint or appeal will be dealt with in the first instance by BHA's Housing Services Manager. If not satisfied with the outcome there is a formal two stage complaints process to follow. A copy of BHA's Complaints Policy is available in our local offices and online.