



# Allocations Policy (Easy to read version)

We know that sometimes a policy can be complex to read. We have made a question and answer version of our revised draft Allocations Policy below. If you have any more questions or if there is something that you do not understand, please get in touch with us and we will try to help.

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Revised Draft 2023

### **1. What is the purpose of the Allocations Policy?**

The Allocations Policy sets out a framework that we follow when allocating council housing. This framework helps us to make best use of our housing stock. Where possible, we take account of what you would really like as a new home. Our policy helps us decide who we think is in most need of housing and how to make the best use of the housing we have available.

You can get a copy of our Allocations Policy, free of charge, from your local access point, or from our website at [www.moray.gov.uk/housingpolicies](http://www.moray.gov.uk/housingpolicies).

### **2. How does the Allocations Policy fit with other strategies?**

The Allocations Policy helps us to meet the overall aim of the Local Housing Strategy, which is “to ensure that sufficient good quality, affordable housing is available to meet the needs of people living in or requiring housing in Moray.” It helps us to meet the agreed outcomes of the Local Housing Strategy and our Rapid Rehousing Transition Plan. These include to:

- address housing need and improve access to housing;
- meet our legal responsibilities to homeless households;
- help people with particular housing needs; and
- promote successful, safe and sustainable communities and social inclusion.

You can read our strategies and plans on our website at [www.moray.gov.uk/housingstrategies](http://www.moray.gov.uk/housingstrategies).

### **3. What are the principles of the Allocations Policy?**

The principles are that we:

- must make sure that the Allocations Policy reflects the legal and regulatory framework, guidance and good practice;
- will apply the Allocations Policy consistently so that applicants with similar features are treated in a similar way to get a similar outcome;
- will give explanatory information on the policy and how it operates;
- we will make sure that the policy can respond to a wide range of complex individual needs and circumstances and includes an appeals process; and

- we will work with other housing providers in the area to best meet housing needs in Moray.

#### **4. What are the objectives of the Allocations Policy?**

The objectives of the Allocations Policy are to:

- address housing needs in Moray and where possible, to take into account applicants' housing aspirations;
- assess applications for housing in an objective, consistent and fair manner, obeying with all relevant law, guidance and best practice;
- make best use of the available housing stock;
- sustain and promote local communities as far as is possible;
- monitor performance and respond to changing patterns of need as they happen by reviewing the Allocations Policy on a regular basis;
- inform the Council's strategic planning processes; and
- make sure that the Allocations Policy and practice is accessible to all applicants, by producing information in plain language that is clear and understandable.

#### **5. What law relates to the allocation of council housing?**

The main law relating to the allocations of Council housing is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, the Homelessness etc. (Scotland) Act 2003 and the Housing (Scotland) Act 2014. This gives us the discretion to develop allocations and local letting policies in line with local priorities.

The policy will comply with other relevant legislation and the [Social Housing Allocations in Scotland: Practice Guide](#) and [Social housing allocations legal framework: statutory guidance for social landlords](#).

In line with law, we will pay due regard to the principles of the Armed Forces Covenant. We will consider the Covenant when developing, delivering and reviewing the Allocations Policy and decisions we make on allocations which may impact the Armed Forces community. We will help to improve their access to our

services and will provide them with information about social housing services in Moray and how to access them. We will try to make sure that veteran are not disadvantaged when applying for housing with us.

We are committed to preventing discrimination and promoting equality of opportunity for every person who applies for housing. We try to make sure that we do not discriminate between individuals on the grounds of age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

We will give full consideration to our Public Sector Equality Duty (PSED). This requires public authorities to:

- eliminate discrimination, harassment and victimisation; advance equality of opportunity; and
- foster good relations between persons who share a relevant protected characteristic and those who do not.

We will make sure that any information given to us as part of the application process will be used in line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. We have Privacy Notices which tell applicants how their personal data is collected, used, stored, share and securely disposed of, the legal basis for doing so and what their rights are.

We also make sure that the Allocations Policy promotes good practice and meets with guidance from the Scottish Government and the Scottish Housing Regulator. This includes the standards and outcomes detailed in the Scottish Social Housing Charter. The Charter sets the standards and outcomes that all social landlords should aim to reach when performing their housing activities.

## **6. What is the housing list and how do you decide who is admitted to it?**

In line with housing law, we have an 'open' housing list. This means that by law, we can only take into account the age of the applicant. Anyone aged 16 years and over

is legally entitled to be admitted to the housing list. The right to be admitted to the list is not a right to be allocated a house.

The rights of non UK Nationals to housing and homelessness provisions are a complex area. We have processes in place for dealing with requests for housing from non UK Nationals, Refugees or Asylum Seekers. We will make sure that applications are processed in line with the law and guidance.

The Housing List consists of:

<b>Transfer list</b>	Applicants who are our tenants
<b>Homeless list</b>	Applicants who have been assessed by the Council as unintentionally homeless (who have become homeless through no fault of their own). On the homeless list, you will not be awarded points. We usually give priority to the applicant who has been on the list the longest.
<b>Waiting list</b>	All other applicants

We aim to admit applicants to the Waiting/Transfer List within 10 working days of getting their application.

We continually monitor and analyse trends and the ratio of allocations to be made to each list is determined each year and approved by the Housing and Community Safety Committee. These are applied at a Moray wide level (except for properties detailed in the local lettings plan). For 2023 – 2024 the ratio of allocations to each list is as follows:

The homeless list	50% of allocations (+/-5%)
The waiting list	30% of allocations (+/-5%)
The transfer list	20% of allocations (+/-5%)

You can check the amount of points that you have for council housing on our website at any time.

## 7. How do I apply to be admitted to the housing list?

You can apply for housing with us by filling in our online housing application on our website at [www.moray.gov.uk/housingonline](http://www.moray.gov.uk/housingonline). You will need to register and create a Housing Online account and select the relevant option:

To create a new application	Select <b>Create Housing Application</b>
To continue with an application which has only been partially completed	Select <b>Incomplete Housing Application</b>
To update and amend an application which has been completed and submitted already	Select <b>Update my Contact Details</b> and if all of your details are correct, select <b>Completed and Accepted Housing Application</b>

The online housing application only collects information. It does not make any assessment of housing need.

If you do not have access to the internet, you can visit your local library. If you need advice about the online application form, please contact us.

## 8. What choices can I make?

We ask every applicant to tell us if they have a preferred heating type and house type. We will also ask you to tell us about:

### Areas you prefer

We have 63 lettings areas in Moray. You can find out more about lettings areas on our website at [www.moray.gov.uk/lettingsareas](http://www.moray.gov.uk/lettingsareas). When you apply for housing you will be asked to select as many areas that you would like to live in. We will try and match you to an area that you want to live in.

You will be considered **equally** for all the lettings areas that you have chosen. For example, if you select every letting area, we may offer you a property in any of the 63 areas. It is important to note that if we offer you housing in an area that you selected and you then refuse the offer because of the property's location, we would consider this to be an unreasonable refusal (please refer to page 29 for more information). If you only choose a few lettings areas, you may have to wait even



longer to get an offer. This is because we have a great demand for our housing and we only have a limited supply. Last year, we created 465 new tenancies, but we have about 3000 applications on our housing list.

Applicants on the homeless list will be considered for any available suitable property in Moray as long as it is considered reasonable in terms of homeless legislation.

You will also be asked to choose the top three areas that you would prefer to live in. We will only use this information for strategic planning purposes. For example, to help with the development of our Local Housing Strategy and to help us identify where there is most demand for housing.

### **9. What size of housing will I be considered for?**

We try to make the best use of the housing available. You will be asked to choose a size of house. We will take into account the actual size of house you need, when we allocate you a property. We work out your house size based on the following rules.

Separate bedrooms are needed for:

- each couple (husband/wife or similar partnerships);
- each person aged 16 years or over;
- children aged five years or over who are of an opposite sex from other children; and
- children of the same sex where there is an age difference of five years or more between the elder and the younger child.

No more than two people of any age should occupy one bedroom.

In calculating bedroom requirements, we will not include rooms which are less than 6.5 square metres (70 square feet) in area, or without natural lighting.

It should be noted that our size criteria differs to the criteria used by the Department of Work and Pensions (DWP). The size of property we allocate will depend on the household composition. The next page gives an example of the house size we will consider applicants for.

<b>Household size</b>	<b>bedroom size</b>
<b>Single person</b>	One
<b>Couple</b>	One / two
<b>Single parent or couple with one child or pregnant</b>	Two
<b>Single parent or couple with two children of the same sex</b>	
Both children are aged under 16 and there is an age gap of less than 5 years	Two
Both children are aged under 16 but there is an age gap of more than 5 years	Three
One or both of the children are aged 16 or over	Three
<b>Single parent or couple with two children of the opposite sex</b>	
Both children are under the age of 5	Two
One child is aged 5 or over	Three
<b>Single parent or couple with three children of the same sex</b>	
Two children have an age gap of less than 5 years and both are under 16 years of age	Three
There is an age gap of more than 5 years between all three children	Four
All children are over the age of 16	Four
<b>Single parent or couple with three children of the opposite sex</b>	
Two children are able to share a room (both the same sex, less than a 5 year age gap and both under 16 years of age)	Three
None of the children are able to share a room due to opposite sexes and age	Four
<b>Single parent or couple with four children of the opposite sex</b>	
All children are able to share a bedroom	Three
Only two of the children are able to share a bedroom	Four
None of the children are able to share a bedroom	Five

Each application will be considered on an individual basis. In order to make best use of housing stock and maximise choice there may be exceptions to this.

### **Flexibility for couples who may need a one or two bedroom home**

In order to make best use of housing stock and meet specific housing need, couples who need a one bedroom property will also be considered for two bedroom properties.

### **Ground floor properties (bungalows and ground floor flats):**

- If you are age 70 years or over, we will only consider you for ground floor housing unless you tell us otherwise.
- If we assess that you need a one bedroom ground floor property, we will also consider you for two bedroom ground floor properties. We will offer a property to the applicant with the highest level of need.

### **10. How do you prioritise applications for housing?**

In line with housing law, we must give 'reasonable preference' to certain groups. We must give priority to:

- people who are homeless or threatened with homelessness through no fault of their own and have unmet housing needs;
- social housing tenants who are under occupying their home; and
- people who are living in unsatisfactory housing conditions and have unmet housing needs.

### **11. What do you mean by "unmet housing need?"**

We consider you to have "unmet housing needs" if you have a housing need which is not being met by your current housing circumstances. For example, if you have a disability and your housing needs can only be met in social housing because it is not possible to make essential adaptations to your current home.

### **12. Are there things that you don't take into account when allocating housing?**

There are certain things that we must not take account of when allocating housing. These are stated in housing law. We will not take into account:

- the length of time an applicant has stayed in Moray;

- any housing related debt for a tenancy accrued when the applicant was not a tenant;
- housing related debt which is no longer outstanding;
- any housing related debt which is less than the equivalent of one months' rent;
- housing related debt where the applicant has a repayment agreement in place and they have been making payment for at least three months and are continuing to make payments;
- any outstanding debt which is not housing related;
- the age of the applicant unless the property:
  - has been designed or substantially adapted for people of a particular age group;
  - is for people who are, or are to be, in receipt of housing support services for people of a particular age group or with particular needs.
- the income of the applicant and their household.

We cannot specify that applicants are divorced or separated or that they are no longer living in the same house as other people.

### **13. What if a person applies for housing from out with Moray?**

Although they will still be admitted to the housing list, applicants will only be considered for housing if they currently live in Moray **or**:

- they are approaching discharge from an institution and are considered normally resident in Moray; or
- they are employed, have been offered employment or are seeking employment in the area; or
- they need to move into Moray to be near a relative or carer; or
- they have a special social or medical reason for needing to be housed in Moray; or
- they want to move to the area because they are fleeing harassment or are at risk of domestic abuse.

#### **14. How do you assess the priority for allocating housing?**

We will make sure that we assess all applications in a fair and consistent way. For all applicants on the transfer and waiting list we will review their current circumstances and award points for different situations. For example, if they under occupy their home or they lack facilities.

#### **15. What are the priorities and points?**

We award points for different circumstances, based on an assessment of a person's housing needs. These categories and the number of points are detailed as follows.

##### **Homelessness**

Applicants who have been assessed as homeless or threatened with homelessness under the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003 and who have an unmet housing need will be placed on the homeless list. Their application will not get any points. Applications on the homeless list are prioritised in order of the date of the homeless application.

Homeless applicants will get the same number of offers as any other applicants. Since the need for housing is urgent, we will offer applicants on the homeless list any vacant property, as long as the offer is reasonable. This may include property in lettings areas or property types which they have not selected. When we make an offer of housing we will take into account the particular circumstances, the needs of the applicant and their household and the sustainability of the accommodation.

##### **Under occupancy**

We think that separate bedrooms are needed for:

- each couple (husband/wife or similar partnerships);
- each person aged 16 years or over;
- children aged five years or over who are of an opposite sex from other children;
- children of the same sex where there is an age difference of five years or more between the elder and the younger child.

No more than two people of any age should occupy one bedroom.

For every extra bedroom that you do not need, you may qualify for:

If you are a transfer tenant , for each bedroom that you do not need	<b>250 points</b>
If you are a waiting list applicant, for each bedroom that you do not need	<b>50 points</b>

### **Overcrowding**

The [Housing \(Scotland\) Act 1987 \(Part VII\)](#) defines overcrowding. An applicant's current accommodation will be assessed and we will award points if we consider that there is a shortage of bedrooms. For each bedroom that an applicant's current accommodation lacks, we will award **100 points**.

If you think that a bedroom is too small to allow two persons to share, contact us. We will visit your home and assess if you are eligible for overcrowding points.

In cases where an extra bedroom is needed because of a pregnancy, your application will be assessed for the size of property that you will need following the birth. Overcrowding points will not be awarded until you confirm that the baby has been born.

### **Access to children**

If you need an extra bedroom because you have frequent and regular overnight contact with children, we will award 50 points. We will need proof of the contact arrangements before we will award points. For example from the Court or solicitor or Social Worker or the parent with whom the children usually stays. You will only be eligible for one additional bedroom regardless of the number of children covered by any contact agreement (unless exceptional circumstances apply).

## Functional housing need

If you apply for housing because you think that your home is not suitable because of a clinical health condition and / or a disability, you will need to fill in a Housing Functional Assessment Form. We will carry out a housing functional assessment using the information that you give us. This is not an assessment of a person's condition or disability. It is a more holistic approach, taking into account mental health, physical and learning disability issues. This is an assessment of the need for another home that would either:

- help to stabilise a clinical health condition or disability; or
- allow a person to function more independently.

Depending on the outcome of the assessment, we may award your application functional assessment points.

We will be sensitive to situations where an application includes a person with rapidly progressive conditions which has a life limiting terminal diagnosis (for example Motor Neurone Disease) and where their current home is unsuitable for their current or future needs.

If you are leaving the armed forces due to injury or disability and need access to specialist social housing, you will be considered to have a significant level of housing need. This will be addressed through a housing functional assessment.

Housing functional assessments are carried out by the Housing Occupational Therapist (or their representative) who will award functional assessment points in line with the points criteria detailed below. In more complex cases, or where further evidence is needed to make a decision, the Housing Occupational Therapist will ask for more information from you and / or any of the services / professionals you detailed in the assessment form.

Points may be awarded where it has been established by health professionals that:

Category	Criteria	Points
A	➤ the person can no longer remain in their current home; and	<b>500</b>

Category	Criteria	Points
	<ul style="list-style-type: none"> <li>➤ there is a critical and urgent need for the person to move to accommodation which will support them to carry out essential daily living activities or will help with the provision of essential health and social care needed to carry out daily living activities.</li> </ul>	
B	<ul style="list-style-type: none"> <li>➤ the person is long term and substantially disabled and this is likely to increase whilst living their current home; and</li> <li>➤ it has been established by health professionals that the person cannot safely access and use facilities in their home needed to carry out essential activities of daily living.</li> </ul>	<b>350</b>
C	<ul style="list-style-type: none"> <li>➤ where it has been established by a health professional that a change of property would significantly increase the person's level of safety, ability and independence when completing essential activities of daily living.</li> </ul>	<b>150</b>
D	<ul style="list-style-type: none"> <li>➤ where it has been established by a health professional that a change of property would moderately increase the person's level of safety, ability and independence when completing essential activities of daily living.</li> </ul>	<b>50</b>
E	<ul style="list-style-type: none"> <li>➤ No points will be awarded where there are no recognised barriers in place for a person to carry out their activities of daily living.</li> <li>➤ No points will be awarded we can provide alternative solutions to the reported difficulty in completing essential activities of daily living (e.g. aids and adaptations).</li> </ul>	<b>0</b>

Activities of daily living are the essential areas of self-care and general activities in and around the home that people need to do every day.

If you do not agree with the functional assessment decision, you have the right to appeal. We have an appeals panel to assess any requests asking us to review our



decision. The appeals panel is made up of the Housing Needs Operational Manager, the Senior Housing Needs Officer and the Advanced Occupational Therapist.

The Housing Occupational Therapist will present their reasons and basis for their original decision to the appeals panel. The panel will review all of the evidence and decide whether the level of priority should remain or change. We will write and tell you the outcome of the review and the reasons for the decision.

The appeals panel will also carry out a review of a random sample of routine functional assessments every quarter to make sure that:

- they are assessed consistently and
- the decision making process is accountable; and
- they follow good practice.

We will not accept another functional assessment application from your household for 12 months from the date of the original decision, unless:

- there is a significant decline in the health of those who have applied for points and there is evidence to verify this;
- a different person within the household applies for points;
- you change your address;
- your housing situation becomes worse; or
- the person who has been awarded the functional assessment points leaves the household.

If any of these circumstances apply, you may also need to fill in a new form but we will tell you if this is the case.

## Downsizing

Our Tenant Downsizing Incentive Scheme aims to help us to make best use of our housing stock. This voluntary scheme offers a combination of practical and financial assistance to those who qualify. The Scheme helps:

- tenants who are under occupying council houses to move to smaller accommodation;
- households who are living in specialist housing (of any size) which they no longer need to move to alternative suitable accommodation; and
- to free up housing which is then allocated to others in housing need.

In appreciation of the sacrifice that the applicants make, once accepted on to the Scheme, they will be awarded 500 points and will get unlimited offers of housing without having their application suspended for refusing an offer.

**500 points**

## Domestic abuse

If a person needs urgent rehousing because of domestic abuse, 500 points may be awarded to their housing application. Our policy uses the Scottish Government's definition.

“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends)”.

This definition will apply to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+).

We want to make sure that those who experience domestic abuse get the support and help they need to rebuild their lives away from the abuse and harm. Housing provision is a key element of support. We understand the importance of housing

advice and flexible housing options which are person centred and prioritise the person's safety and well-being. This will support the person to make informed choices regarding their housing situation.

If a person advises they are experiencing domestic abuse and either can't, or decide not to stay in their home, our focus will be on preventing homelessness where possible and maximising opportunities for them to access settled accommodation.

There may be times where the evidence to confirm abuse is needed. If this happens, we might ask for evidence from other agencies etc but we will never contact the perpetrator.

Those who are recovering from the impact of domestic abuse may have physical and mental health issues. These may be complex and long lasting and may come under the definition of disability under the Equality Act 2010. We will have due regard for the Public Sector Equality Duty and make sure that there is no discrimination.

**500 points**

**Leaving institutional/supported care**

We will award points if any of the following circumstances apply and are confirmed by a Social Worker, Care Manager, Care Provider, Housing Support Provider, Community Psychiatric Nurse, General Practitioner, Doctor or Consultant,.

Where residential care / hospital / specialist supported housing is no longer appropriate.	<b>350 points</b>
Where an applicant is leaving a care environment. For example, supported accommodation, supported lodgings or foster care.	
Where a kinship care placement is no longer appropriate.	

Although points may be awarded, unless a valid and up to date support plan is in place which confirms that you will have sufficient support to help you to sustain your tenancy, you may be bypassed for an offer of housing (see page 24).

If you are a care experienced young person, we will award you points up to the point that you are permanently housed. After, if you have housing difficulties and reapply for council housing (up to the age of 26), a referral will be made to the Housing Needs Review Group to consider your application.

### **Underuse of specialist housing**

Specialist housing can help people with personal independence and can improve their wellbeing and quality of life. We aim to make sure that specialist housing stock is allocated appropriately. This will help us to make best use of our housing stock. However, there can be situations where the person who the property was allocated for is no longer living there and nobody else living there has a need for specialist housing.

We consider specialist housing to be any social housing property in Moray which meets the following criteria:

- A fully adapted/accessible ground floor property; or
- A property:
  - with wheelchair accessible access (either level or ramped); and
  - has a wheelchair accessible level access shower or wet room facilities on the ground floor; and/or
  - has enough space to enable a wheelchair dependent person to live there (as set out in “Housing for Varying Needs” 1998 or subsequent updated design guidance).

This criteria will encompass new build properties which are designed to accessible standards.

We may award underuse of specialist housing points if you are living in specialist housing but nobody in your household has a need for this type of housing and you want to move. You will only be eligible for underuse of specialist housing points if:

- the property is defined as specialist housing; and
- the applicant’s household was allocated the property because they had a specific need for specialist accommodation within their household; and

- they are moving from specialist housing to other housing which is not defined as specialist housing.

**250 points**

### **Poor housing conditions**

We will award poor housing conditions points to those living in the private sector (including caravans) if any of the following are identified during an inspection.

The property is deemed to be Below Tolerable Standard and a Closing / Demolition Order has been served	<b>250 points</b>
The property is deemed Below Tolerable Standard and lacks 2 or more facilities*	<b>150 points</b>
There are minor deficiencies to the state of repair of the property, which are through no fault of the tenant; or The property is affected by condensation and mould due to the poor construction.	<b>100 points</b>

\*Facilities are defined as sink, wash-hand basin, bath or shower, an inside toilet and hot and cold water supply to facilities.

The tolerable standard is a basic level of repair your property must meet to make it fit for a person to live in. The definition is detailed in section 86 of the Housing (Scotland) Act 1987. If a house fails to meet one or more of the criteria, it is considered to be Below Tolerable Standard.

### **Sharing amenities**

We will award sharing points if you share a kitchen, toilet and bathroom with another household. We will not award points if you own or rent the property that you currently live in.

**100 points**

### **Flatted/maisonette accommodation**

We will not consider applicants with children under five years of age for flatted or maisonette accommodation with communal access and is above ground floor unless you have expressed an interest in being housed in this property type.

If you are currently living in flatted or maisonette accommodation where there is shared access and you have children under 16 years of age, we will award points as follows:

If you live in a first floor flat or above ground floor access maisonette	<b>40 points</b>
If you live in a second floor or over flat or maisonette with shared access and the living accommodation is on the second floor or above	<b>75 points</b>

### **Tied accommodation**

Applicants may live in accommodation which is part of the conditions of their employment. They have no right to live in the accommodation once their employment ends.

We may award tied accommodation points if you are retiring or your employment ends, which means that you have to leave the accommodation. In the event that the tenant has died, points for tied accommodation may be awarded to the partner or spouse of the tenant. You must give us valid evidence of the loss of your accommodation.

Applicants who are serving Armed Forces personnel and who live in service accommodation which is due to be terminated will be awarded tied accommodation points. The points will only be awarded to serving personnel and in instances of relationship breakdown, will not be transferred to family members. Applicants will be required to provide a copy of their Certificate of Cessation of Entitlement to Occupy Service Living Accommodation which is issued six months before discharge.

Points for tied accommodation will be awarded up to six months before your tenancy ends. Applicants with tied accommodation points will not be penalised if can't accept an offer of housing due to restrictions in terminating their current tenancy.

**350 points**

## Key workers

Research has identified that often key workers are not able to accept offers of employment due to a lack of available housing. The aim of key worker points is to offer a temporary housing solution in order to help and support public sector key workers move to Moray. This will allow them to find alternative permanent housing once living and working in the area. This approach will help to resolve local recruitment issues, particularly in the NHS and local authority.

Applicants will be eligible for key worker points if they meet the following criteria:

- they are professional staff required to fill a role in the public sector, such as NHS health care professionals (e.g. consultants, GPs, physiotherapists, speech and language therapists, nurses) or teachers or technical staff where skills cannot be filled locally and recruitment shortages can be evidenced by prospective employer;
- they live outwith Moray when they apply for housing; and
- they will accept a short Scottish secure tenancy (SSST).

We will have the final say what role is considered to be a 'key worker' and if the allocation of housing will address a recruitment shortage. Points will be awarded upon proof of eligibility. We will need an applicant's employer to provide confirmation of their support for a request for key worker points.

If an applicant with key worker points has to move into temporary accommodation, such as a hotel or lodgings, so they can start their employment and are still looking for housing, the key work points will remain valid for 6 months from the date they move into Moray.

In line with Schedule 6 of the Housing (Scotland) Act 2001 (as amended), tenancies granted to applicants with key worker points will be a short Scottish secure tenancy (SSST), which has fewer rights as a Scottish secure tenancy and security of tenure is limited to the term of the SSST.

A SSST granted to applicants with key worker points will last a minimum of six months (Section 34 of the Housing (Scotland) Act 2001, as amended). There is no

maximum period for the term of a SSST granted under this ground. A SST will not be offered to key worker tenants. In order to make best use of housing stock, the Council will make sure that SSSTs granted to a key worker will not last longer than 12 months. Applicants will be advised of this prior to signing a SSST. The operation of the SSST (including termination) will be in accordance with the Short Scottish Secure Tenancy Policy and the Housing (Scotland) Act 2001, as amended.

### **Care and support**

The award of care and support points will help to alleviate and reduce demand on care and support services and promote living independently at home. Care and support points may be awarded to applicants who need to move to either:

- provide essential care and support to a vulnerable person which will allow them to continue to live independently at home and reduce demand on statutory care services; or
  - receive essential care and support which will allow them to live independently at home, reduce demand on statutory service and/or eliminate admission to a care home. For example, if the applicant is vulnerable and needs to be closer to their carer;
- and
- it is not reasonable to deliver or receive the level of care and support required, unless they live closer to the person in receipt of / person providing the care and support.

Applicants will need to provide evidence of the care and support needs before points will be awarded to their application. For example, evidence of entitlement to relevant benefits such as Carers Allowance Supplement or Disability Living Allowance, Personal Independence Payment or Adult Disability Payment or other supporting evidence from a professional agency (e.g. Social Work or NHS).

**150 points**



## Exceptional circumstances

We may award exceptional circumstances points in cases which cannot be considered within the Allocations Policy. You can ask that your circumstances are assessed by the Housing Needs Review Group who will consider the award of such points. The Housing Needs Review Group will maintain a transparent and robust audit trail in order to evidence accountability in their decision making process.

Exceptional circumstances points may range from **0 to 500 points**, depending on the specific circumstances of the applicant and the availability of housing.

### Management transfers

We use management transfers in cases where we need to urgently rehouse one or some of our current tenants and the options available in the allocations policy would not deliver a resolution quickly enough.

Management transfers will only be approved where there is a serious risk to the tenant if they stay in the current tenancy or there are urgent and exceptional reasons. Examples include:

- Information from Police or similar agency advise that the person is under threat if they stay in their current accommodation.
- We get a request from child or adult protection services to remove an individual or family for personal safety reasons, e.g. under a Multi-Agency Risk Assessment Conference (MARAC).

A serious housing management problem or a property or properties are being demolished or where repairs will take a long time to complete.

Officer must submit a recommendation report for a management transfer for consideration by the Housing Services Manager and their decision must be sanctioned by the Housing Needs Manager. We will make sure a transparent and accountable process is followed and that a robust audit trail of all decisions is kept.

<b>Summary of priorities and points level</b>		
<b>Priority category</b>		<b>points</b>
Homelessness		<b>0</b>
Under occupancy (per bedroom short)	Transfer tenants living in social housing	<b>250</b>
	Waiting list applicants	<b>50</b>
Downsizing scheme		<b>500</b>
Domestic abuse		<b>500</b>
Overcrowding		<b>100</b>
Periodic contact		<b>50</b>
Functional housing need		<b>0 – 500</b>
Leaving institutional/supported care		<b>350</b>
Underuse of specialist housing		<b>250</b>
Poor housing conditions	Below Tolerable Standard and a Closing / Demolition Order has been served	<b>250</b>
	Below Tolerable Standard and lacks two or more facilities	<b>150</b>
	There are minor deficiencies to the state of repair of the property, which are through no fault of the tenant; or The property is affected by condensation and mould due to the poor construction.	<b>100</b>
Sharing amenities		<b>100</b>
Flatted/maisonette accommodation Applicants with children under 16 years of age who are currently occupying flatted/maisonette accommodation where there is shared access within the building are awarded points as follows	Residing in a first floor flat or above ground floor access maisonette.	<b>40</b>
	Residing in a second floor or over flat or maisonette where the living accommodation is on the second floor.	<b>75</b>
Tied accommodation		<b>350</b>
Key workers		<b>400</b>
Care and support		<b>150</b>

**16. Do you bypass applications for an offer of housing?**

Yes. There may be some situations where you may be bypassed for an offer of housing.

## **17. Why would you bypass applicants for an offer of housing?**

Our reasons for this may include:

- if there is evidence that the allocation would place the community, or an individual at risk;
- our enquiries into a household's circumstances show clear evidence that a particular allocation is not suitable;
- the property has special features which are not needed by the applicant or their household;
- the applicant or a household member has a condition which makes the property unsuitable;
- the applicant needs support and help to sustain a tenancy and the support is not available or in place;
- the applicant is in supported accommodation and is not ready to move to independent living;
- the applicant lives out with Moray and doesn't meet the criteria set out in page 8;
- the applicant does not have an up to date support plan in place; and
- the applicant's circumstances have changed and we are waiting for information to reassess their application.

We will make sure that when bypassing applicants we will:

- base our decisions on valid evidence and are accountable, transparent, carefully monitored and an audit trail is in place;
- comply with the law;
- manage processes in such a way that supports individuals and communities and makes sure that people are not unintentionally or unfairly disadvantaged;
- make sure that no applicants are bypassed inappropriately;
- make sure that there is no discrimination through bypassing particular groups.
- make sure that sensitive lets are not used as a means of 'screening out' households who may need greater support or involvement from staff; and
- monitor the impact on individuals who are bypassed.

**18. Do you suspend applicants from receiving offers of housing?**

Yes. However, we will not automatically suspend an applicant from receiving an offer of housing. We will assess each case individually. We will always take personal circumstances and the extent of an applicant's housing need into account. We will make sure we take a balanced approach. The urgency of the applicant's housing need will be a key factor in our decision.

**19. Why would you suspend applicants from offers of housing?**

The reasons that we may suspend an applicant from receiving an offer of housing include:

**Housing related debt**

Where an applicant (or anyone who is going to live with the applicant) has housing related debt which is more than one months' rent and they have not made or kept to a repayment agreement. We will take into account the reasons why the debt has arisen. The suspension period may continue until a reasonable repayment arrangement is in place and has been kept for at least three months.

**Antisocial behaviour**

Where we have evidence of tenancy related antisocial behaviour (through either eviction or the granting of an antisocial behaviour order) we may suspend the application for up to 12 months. If clear evidence is given showing that there has been a change in behaviour, for a minimum period of three months, the suspension may be lifted.

**Refusing two reasonable offers**

Where an applicant has refused two reasonable offers of housing within one year they may be suspended from receiving an offer of housing for six months. There are exceptions to this stated in the policy. For example, applicants with tied accommodation points or downsizing applicants.

**Deliberate worsening of circumstances**

If we think that an applicant has done something to try and make their housing situation worse to try to get higher up the housing list, we will carry out an investigation. For example, if an applicant gives up settled accommodation in order

to move into less settled or overcrowded accommodation. As part of our investigation we will take into account all contributing factors. We will find out if the applicant was aware of their actions and if their actions were reasonable.

Where there is evidence that the applicant has unfairly gained an advantage they will be suspended from receiving an offer of housing for six months. After the six month period, the housing application will be reassessed and the suspension will be lifted.

## **20. What is a local lettings plan?**

Local lettings plans are used by landlords to develop policies and letting arrangements that:

- meet local housing need and demand;
- help to suitably match applicants to properties; and
- help them to achieve a balance housing mix within a particular area.

The main aim of a local lettings plan is to build a strong and sustainable community.

## **21. When do you use local lettings plans?**

We currently use local lettings plans when we allocate new build housing for the first time. New build developments are unusual in terms of housing allocations because of the number of properties that are available for let in a short period of time in one area.

This makes sure that:

- new build programmes meet the widest possible range of needs; and
- we do not create groups of vulnerable households in specific communities.

We publish all agreed Local Lettings Plans on our website.

## **22. What are sensitive lettings?**

Sensitive lets are used when it is necessary to deviate from our Allocations Policy. When considering a sensitive let, instead of allocating a property to the applicant at the top of the list (the person in most housing need, as defined by our Allocation Policy), we will consider the suitability of the applicant for the property. This will be

based on information we have about the applicant and on our knowledge of the property, its location or neighbours.

### **23. When do you use sensitive lettings?**

We only use sensitive lettings in exceptional circumstances. We will make sure that all decisions on sensitive lets are accountable, transparent and monitored. We may use our discretion when identifying sensitive let applicants or properties. We would consider factors such as:

- How has the behaviour affected the applicant's life and the life of others?
- Has there been legal involvement?
- Has there been a significant improvement in their behaviour or circumstances?

We will monitor the use of sensitive lettings in order to make sure that there is no pattern of bypassing particular groups.

### **24. Do you review applications?**

We ask all applicants to renew their housing application yearly (from the date that the last amendment was made to their housing application). If you do not respond to our request, your application will be removed from the housing list. If you ask to be reinstated to the housing list after three months, you will need to fill in a new housing application.

### **25. What if there has been a change in an applicant's circumstances?**

We ask applicants to tell us as soon as possible of any change in circumstances which may affect their housing application. You are responsible for amending your online housing application. For example, a change in family circumstances, change of address and so on.

### **26. What happens if an applicant dies?**

If we are told about an applicant's death, the application will automatically be transferred to the surviving partner who lives with the applicant. If there is no surviving partner, the application may be transferred to any other person named in the

application who has lived with the applicant for a period of six months, as long as that person is aged 16 years or over. The application will be re-assessed within 28 days of telling us about a change in circumstances.

## **27. What is your process for offering housing?**

We will make sure that offers of housing are fair and based on the needs, circumstances and preferences stated in an applicant's housing application.

We will normally consider an offer to be reasonable if it is situated in a lettings area that you have chosen and meets your stated housing need.

If you have said that you are willing to be considered for nomination to a registered social landlord (RSL) for housing, then any offer made by an RSL will be considered as reasonable (see page 30).

We make offers of housing in writing. The offer letter will give full information about the property offered. You should reply to the offer within the timescale stated in the offer letter.

## **28. What type of tenancy will I be offered?**

Below are the types of tenancy agreements which the Council may offer:

### **Scottish secure tenancy (SST)**

In most circumstances we will offer a Scottish secure tenancy. Unless a tenant ends the tenancy, abandons the tenancy or we get a court order to end the tenancy, the SST will usually continue for as long as the tenant wants.

### **Short Scottish secure tenancy (SSST)**

We may offer a short Scottish secure tenancy in specific circumstances for a minimum term of 6 months. These circumstances will apply if:

- there is evidence that an applicant or someone in their household or a visitor to their home has been involved in antisocial behaviour in or near their home within the last three years;

- an applicant or someone in their household has been evicted for antisocial behaviour or subject to an antisocial behaviour order within the last 3 years;
- an applicant is moving to Moray take up employment; or
- an applicant needs housing support to help them maintain their tenancy;

At the end of the term of the SSST we can:

- offer a full SST (some types of SSST automatically convert to SSTs after 12 months);
- offer a further SSST; or
- seek repossession.

In all cases we will serve you with a notice telling you that you are being offered a SSST. This notice will also state why you are being offered a SSST and the period for which the SSST is being offered.

For some types of SSST we must give, or arrange the provision of housing support services. If you do not accept this support, the offer of housing may be withdrawn.

### **29. Can applicants refuse an offer of housing?**

Applicants can refuse an offer of housing. If you do, you will be given the chance to review your preferences and options and will be given a realistic overview of your housing options.

If you refuse two reasonable offers of housing within one year, your application will be suspended for a period of six month (except where stated exceptions apply). During that period, no further offers of housing will be made to you.

### **30. Are there any exceptions to refusing an offer of housing??**

There are some exceptions. If an applicant refuses an offer because it would mean they will get less housing benefit due to the under occupancy size criteria, we would consider this a reasonable reason for refusing an offer. After speaking with the applicant, the size of property that they will be offered will be amended. For example, if an applicant is assessed as needing a three bedroom property but the applicant



refuses it due to the bedroom tax, this would be considered a reasonable refusal. This would only be permitted once. The applicant would then be placed on the two bedroom property list and points adjusted.

Other examples include applicants with tied accommodation points and downsizing applicants.

**31. Are there any other housing options in the social housing sector?**

We have a nomination arrangement with registered social landlords (RSLs). This lets us nominate applicants from our housing list for properties that arise within the RSL's housing stock. We do not have the right to allocate their properties. This will be carried out in line with the specific RSL's Allocations Policy.

You are asked to show on your housing application if you want to be considered for nomination to RSLs. We will tell you if you have been nominated to an RSL.

We also have "Section 5" protocols in place with RSLs in Moray. These are named after Section 5 of the Housing (Scotland) Act 2001. This gives us a legal right to refer applicants assessed as homeless to RSLs for allocation of any empty houses that may become available. This means that RSLs can help to tackle homelessness in the area.

Applicants who are our tenants can also apply for a mutual exchange with another public sector or RSL tenant. We will consider these requests in line with housing law and will not unreasonably withhold our permission. You can apply for a mutual exchange on the House Exchange website.

**32. How can I ask for a review or complain?**

If you need help to make and follow up on a complaint or review, our staff will give you help or will refer you to an appropriate agency.

## **Review of a decision**

As part of our Allocations Policy, we have a review procedure which deals with instances where an applicant is not satisfied with the decisions made on any aspect of their housing application.

You can make a request for a review in writing to the Senior Housing Needs Officer. You should include the grounds on which it is made in your request for the review.

The request for a review will be considered by a senior manager not previously involved with the original decision, with a target of 28 days to respond to you.

If you remain dissatisfied, you can write to the Housing Needs Operations Manager to ask that the Housing Needs Review Group consider your case.

You also have the right to pursue any complaint of maladministration about your housing application with the Scottish Public Services Ombudsman or to seek a judicial review, where this is appropriate.

## **Complaints**

We have a complaints procedure that is available to any applicant who is not satisfied with the way that their application has been dealt with. You can get details of the Complaints Procedure from any Council Office, reception, Information Hub or on our website at [www.moray.gov.uk](http://www.moray.gov.uk).

### **33. How do you monitor your Allocations Policy?**

We set performance standards on the Allocations Policy and monitor our achievement of these standards. We monitor the time taken to relet empty properties and the amount of rent lost as a result. Reports on these performance indicators are presented to our Housing and Community Safety Committee on a quarterly basis.

We also will set performance standards in relation to its Allocations Policy and will monitor its achievement of these standards. The performance indicators are reported to the Housing and Community Safety Committee or any other relevant Committee.

These reports will be public documents. The confidentiality of individual applicant's circumstances will be maintained.

**34. How will you review the Allocations Policy and what are your arrangements for consulting?**

If performance monitoring of the Allocations Policy suggests that there are areas where the policy needs to be improved, it may be amended or a further review may be carried out.

If any changes to be made are extensive, we will consult with tenants, applicants and other key stakeholders before making these changes.

We will carry out a full review of the Allocations Policy every three years or earlier if required by changes to legislation or guidance. In line with housing law, consultation will be ongoing during the review process and not just once the policy has been finalised.

We will consult the following groups before making or altering the Allocations Policy:

- Applicants on the Housing List;
- Council tenants;
- Registered tenant organisations; and
- Any other stakeholders considered relevant.

Once the consultation has finished, we will prepare and publish a report on the Allocations Policy consultation.