Allocations Policy

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1: Introduction

1.1 Allocation of Social Housing

1.1.1 Linthouse Housing Association is committed to the allocation of the properties we have for rent in a way that is fair, consistent and transparent. This is vital to supporting our mission to deliver high-quality and cost-effective housing services designed to meet the needs of existing and future customers.

1.1.2 The aim of our Allocation Policy is to ensure that we allocate properties in a manner that complies with the law and our regulatory requirements.

1.1.3 The method we use for achieving this aim is by allocating properties based on housing need. We will ensure that the system we use supports our statutory obligations by giving reasonable preference to certain applicants as outlined in Section 5.

1.1.4 The Allocation Policy outlines our aim, objectives and policy principles; the legal framework we use; the application process and how we prioritise lets; in what instances applications may be subject to deferral, suspension and removal from the list; tenancy changes; and the appeals and complaints process.

Note: In this document the Allocation Policy is referred to as 'the Policy' and Linthouse Housing Association as 'we', 'our' or 'us'.

1.2 Equality and Diversity

1.2.1 Equality and diversity reflect the core values of Linthouse Housing Association. We strive to ensure these values are embedded throughout all of the services we provide in addition to our policies, procedures and decision-making. We are committed to promoting an inclusive and diverse culture that treats every individual with dignity, respect and fairness. We will actively challenge discrimination and empower people to succeed.

1.2.2 In order to ensure there are no barriers to making an application with Linthouse Housing Association, we will ensure that we allocate houses in a manner that is consistent with our Equality and Diversity Policy. We will not discriminate against anyone because of their age, sex, marital status, sexuality, disability, race, nationality, language or social origin, or other personal features including beliefs or opinions such as religious beliefs or political opinions.

1.2.3 All reasonable steps will be taken to ensure that help and support are provided to make an application for housing and that we discuss the housing options available that best match individual needs.

1.2.4 Applications for housing will usually be made by appointment in the office with a member of the Housing & Community Empowerment Team (HCET). If an applicant is unable to visit the office, a form can be sent electronically or by post. For housebound and vulnerable applicants, a home visit can be arranged if the visit is within a reasonable distance to the office.

1.2.5 If requested, the housing application and information pack can be made available in different formats and languages on request, and we will arrange an interpreter if this is required.

Refer to our Equality and Diversity Policy for further details.

1.3 Our Aim, Objectives and Policy Principles

1.3.1 Aim

In addition to meeting our legal and regulatory requirements, the principal aim of Linthouse Housing Association Allocation Policy is to allocate properties for rent in a manner that is fair, consistent and transparent.

1.3.2 Objectives

In order to meet our aim, we will:

- Prioritise those in the greatest need of housing;
- Provide appropriate advice and assistance, or offer suitable housing within a reasonable timescale, to people who are homeless or threatened with homelessness
- Offer people accommodation to people that best meets their housing needs
- Support applicants to make a well-informed decision with regard to their housing options;
- Make the best use of the properties we have available for let
- Give people as much choice as possible

- Provide tenancy sustainment help and support to applicants, including help to access available support agencies
- Re-let properties as quickly as possible to minimise rent loss

1.3.3 Policy Principles

Our policy is based on six key principles which are:

- to implement our Policy in a fair and consistent manner to ensure equal opportunities;
- to apply our Customer Service Standards of excellence to all of our applicants and service users;
- to comply with the relevant statutory provisions and accompanying regulations;
- to allocate housing on the basis of addressing unmet housing needs;
- to assess those applicants considered high priority accordingly; and
- to hold data securely, in line with the Data Protection Act 2018.

Section 2: The Legal Framework

2.1 Applicable Legislation

2.1.1 The allocation of social housing is primarily governed by the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014 ('H(S)A 2014').

2.1.2 Other legislative instruments refer to meeting the needs of homeless households, such as the Homelessness etc. (Scotland) Act 2003. There is also a framework of relevant rights-based legislation:

1) Human Rights Act 1998;
2) Data Protection Act 2018;
3) Matrimonial Homes (Family Protection) (Scotland) Act 1981
4) Family Law Scotland Act 2006;

5) Children Scotland Act 1995;

6) Civil Partnership Scotland Act 2020;

7) Immigration & Asylum Act 1999;

8) Protection from Harassment Act 1997;

9) Domestic Abuse (Scotland) Act 2021;

10) Management of Offenders etc. (Scotland) Act 2019;

11) Equality Act 2010; and

12) Adult Support & Protection (Scotland) Act 2007.

2.2 Implementation of the Housing (Scotland) Act 2025

2.2.1 The H(S)A 2025 alters certain rules regarding the allocation of social housing:

(i) **Designation of rent control areas**;

(ii) **Rent control areas: modifications of the 2016 Act**;

(iii) **Other restrictions on rent increases**;

(iv) **Review of the operation of Part 1 of the Act**;

(v) **Dealing with evictions**;

(vi) **Keeping pets and making changes to let property**;

(vii) **Other matters relating to tenants**

(viii) **Homelessness prevention**

(ix) **Other housing matters**

2.3 Relevance of the Scottish Social Housing Charter 2022

2.3.1 The Scottish Social Housing Charter outlines standards and outcomes that social landlords should achieve for their tenants when performing their housing duties. The relevant outcomes and standards for this Policy are as follows:

1) Outcome 1: Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and Housing Services.

2) Outcome 2: Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

3) Outcome 3: Social landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

4) Outcome 7: People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.

5) Outcome 8: Tenants and people on housing lists can review their housing options.

6) Outcome 9: People at risk of losing their homes get advice on preventing homelessness.

7) Outcome 10: People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

8) Outcome 11: Social landlords ensure that tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

9) Outcome 12: Homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

2.3.2 As outlined in section 1 of this Policy, Linthouse Housing Association's values, organisational culture programme, and Customer Service Standards are designed to ensure a first class service is given to all of our service users,

partner organisations and other stakeholders. This also supports staff in achieving the standards and outcomes set out in the Scottish Social Housing Charter.

The next section outlines the housing application process.

Section 3: Application for Housing

3.1 Who can Apply

3.1.1 Anyone 16 years or older can submit an application for housing. Applicants for amenity housing must be at least 55 years old.

3.1.2 The application can be made independently, jointly with a partner, or with any other individual also planning to reside in the property. We cannot accept applications from more than two applicants who are unrelated, as this creates a House in Multiple Occupation governed by alternative regulations.

3.2 Applicant's Responsibilities

3.2.1 In order to assess an application, we must have accurate information.

3.2.2 Applicants must ensure that full and accurate information is provided and notify the office staff when their circumstances change.

3.2.3 Proof of identity is required for the name and address used in the application. This includes two forms of identification in relation to the current address as a principal and permanent home if this applies. This may include, but is not limited to:

- an official letter/statement/ bill from a local authority, public agency or private utility, government department, private sector lease, bank or building society;
- a current photographic driving licence; or
- a national health card.

3.2.4 Applications will not be processed until proof of identity is confirmed.

3.3 Housing References

3.3.1 All reasonable attempts will be made to obtain housing references in support of the application for housing. References should be obtained from previous landlords for the past three years. References are sought to establish whether an applicant has:

- been subject to an Anti-Social Behaviour Order;
- a history of anti-social behaviour;
- any previous housing-related debt with no repayment arrangement in place; or
- breached other tenancy conditions.

3.3.2 We may opt to suspend an application where we receive an unsatisfactory reference. Refer to Section 6 for further details on suspensions. If an applicant refuses permission for a reference to be sought, we will not make an offer of housing and will bypass the application until we receive a satisfactory reference. However, we will not suspend the application.

3.4 Home Visits

3.4.1 If the visit is within a reasonable distance to the office, a home visit will be arranged where the applicant is housebound or otherwise vulnerable, to confirm information and award points if we are unable to do so from the application.

3.5 Assessing the Application

3.5.1 We aim to complete assessments within 10 working days. The applicant will be informed in writing with the number of points awarded specified.

3.5.2 All applications are assessed against our points system to ensure that they are placed in a category that appropriately reflects their housing need. If the information required to assess the application is not provided, it will delay confirmation of the points awarded and any possible offer thereafter.

3.6 Relevant and Irrelevant Factors

3.6.1 General Factors

When assessing a housing application, we consider certain factors and do not consider others, in line with the H(S)A 2025.

Table 1: Summary of the Factors We Do and Do Not Consider When Assessing an Application

Factors that We *Do* consider when Assessing an Application:	**Factors that We *Do Not* consider when Assessing an Application:**
The reasonable preference categories as set out in the Housing (Scotland) Act 2014 are: I. Homeless persons and persons threatened with homelessness and who have unmet housing needs; II. People who are living in unsatisfactory housing and who have unmet housing needs; and III. Social housing tenants who are considered to be under-occupying.	How long an applicant has lived in the local area
If an applicant owes a landlord more than one-twelfth of the annual rent for any current or former tenancy, and: 1) has not agreed to repay what they owe; and 2) hasn't made at least three monthly payments towards the money owed	Any outstanding liability accrued by the applicant or anyone who lives with them which does not relate to the tenancy of a house
You need to get support from, or give support to, a family member or carer to help you, a family member or carer to live independently	Any rent or other liabilities accrued by the applicant on a previous tenancy which are no longer outstanding
If the applicant has a social or medical reason to move to, or remain in, the Govan area of operation	Any liability that is outstanding, but the amount is: 1) not more than 1/12th of the annual amount payable; or 2) the applicant has both: a) agreed arrangements to pay the outstanding debt; and has made such payments for at least three months and is continuing to do so
Whether the applicant or anyone that the applicant lives with owns property.	The income of the applicant or their family (including any benefits)

If the applicant is being harassed or abused in the place that they currently live	Age, provided that the applicant is over 16 and the property has not been designed or substantially adapted for occupation by persons of a particular age group
	Age, provided that the applicant is over 16 and the property has not been designed or substantially adapted for occupation by persons of a particular age group
	If the applicant is legally separated or divorced
	Who the applicant lives with at the time they apply for housing

3.7 Other Factors

3.7.1 Landlords are prohibited from imposing certain requirements before allocating housing. They cannot require that;

- an application must have been in force for a minimum period;
- the applicant obtains a divorce or judicial separation;
- the applicant obtains a dissolution of a civil partnership or a decree of separation of civil partners; or
- the applicant no longer lives with, or in the same house as, some other person.

3.8 Eligible House Size Criteria

3.8.1 Eligibility for a particular size of property is assessed in relation to the size of the household. Referred to as 'occupancy standards' (or room standards), these are applied when assessing the house size an applicant requires to ensure the best use of available housing stock.

3.8.2 Part VII of the 1987 Housing Act sets out how many people can sleep in a house according to the number and size of rooms before it becomes overcrowded.

3.8.3 In this guidance, one bedroom is permitted for each person or couple living as part of the household with the following exceptions:

- a child of 15 or under is expected to share with another child of the same gender;

- a child of 9 or under is expected to share with one other child aged 9 or under, regardless of gender.

3.8.4 Our policy extends this provision to giving preference for a one- or two-bedroom property to a single person or couple.

3.9 Occupancy Standards

3.9.1 The size of housing that an applicant will be considered for is outlined in Table 2 below. The criteria are based on the number of people who will be living permanently with the applicant in the household.

Table 2: Occupancy Standards[1]

Household	1 Apt	2 Apt	3 Apt	4 Apt	5 Apt	6 Apt	7 Apt
Single Person	√	√	√				
Couple		√	√				
Couple/Single Parent with 1 Child			√				
Couple/Single Parent with 2 Same Gender Children Under 16 years			√				
Couple/Single Parent with 2 Children of Opposite Genders Under 10 years			√				
Couple/Single Parent with 2 Children of Opposite Genders and One Over 10 years				√			
Couple/Single Parent with 3 Children, One Male Over 10, One Female 17 and One Female 14					√		
Couple/Single Parent with 4 Children, depending on age and gender					√		
Couple/Single Parent with 5+ Children, depending on age and gender						√	
Couple/Single Parent with 5+ Children, depending on age and gender							√

3.9.2 Separated spouses who provide confirmation of access rights/copy of the birth certificate will be eligible for the appropriate number of bedrooms[2]. Expectant mothers will be treated as two or more, depending on the number of children expected[3]. A certificate of confinement is required.

[1] 3 Apt/3person properties can only be allocated to a couple/single person with one child to avoid overcrowding of the property

[2] We will consider children part of the household if they stay with the applicant 3 days or more in any 7 day period.

[3] Points are awarded 18 weeks prior to confinement.

3.10 Offer of Housing

3.10.1 Offers of housing are contingent on the priority awarded to each application. Unfortunately, the demand for housing often exceeds the supply. Consequently, we cannot guarantee that an applicant will be successful in receiving a housing offer.

3.10.2 Prior to an offer being made, the application form, supporting information and points awarded are double-checked during the pre-allocation process.

3.10.3 If successful, all applicants will receive two suitable offers of housing before suspension. We will ensure that offers match an applicant's needs and preferences as far as possible.

3.10.4 Where an applicant refuses one offer of housing which matches their stated preferences, we will ask them to review their choices to ensure they are matched for the area and type of property they require. Where a second reasonable offer is declined following a review, the application will be suspended for a period of six months. The offers and suspension cycle will continue until the applicant accepts a tenancy.

The next section of the Policy outlines how we assess housing need and prioritise these groups within our Annual Letting Plan.

Section 4: Assessing Housing Need and Prioritising Lets

4.1 Reasonable Preference Categories

4.1.1 Housing (Scotland) Act 2014: Reasonable Preference Categories

The Association is legally obliged to give reasonable preference to particular groups. As mentioned above, the H(S)A 2014 provides a revised definition of reasonable preference. The groups are as follows:

I. *Homeless persons* and persons *threatened with homelessness* and who have *unmet housing needs*;

II. People who are living in *unsatisfactory housing* and who have *unmet housing needs*; and

III. Social housing tenants who are considered to be *under-occupying*.

4.2 Homelessness

4.2.1 The first category reflects our duty as a social landlord to house statutory homeless people as per The Housing (Scotland) Act 2025, unless there are good reasons not to (see Section 5.7).

4.2.2 Part II of the Housing (Scotland) Act 1987 defines 'homeless persons' as someone who has no accommodation in the United Kingdom or elsewhere, or someone who has accommodation but it would not be reasonable for them to occupy it. A person is homeless if she or he has accommodation but:

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

4.2.3 Part II of the 1987 Act also defines 'persons threatened with homelessness' as a person who is likely to become homeless within two months.

4.3 Unsatisfactory Housing Conditions

4.3.1 The H(S)A 2014 does not provide a legal definition for unsatisfactory housing conditions. It can therefore include a wide range of circumstances, such as the physical condition of the house, unsuitability due to medical reasons, issues with neighbours, harassment and domestic abuse. It also covers overcrowding and properties below a tolerable standard.

4.3.2 Below tolerable standard is defined as the lowest acceptable standard of housing that any tenant should be expected to occupy. A property is deemed to fall below tolerable standard if it fails any of the 12 criteria set out by the Housing (Scotland) Act 1987, as subsequently amended by the Housing (Scotland) Act 2006.

4.3.3 It is also important to note that the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 has extended the criteria with regard to tolerable standard.

4.4 Unmet Housing Needs

4.4.1 The H(S)A 2014 qualifies the first two reasonable preference categories with the requirement that they have unmet housing needs. Section 3 of the Act provides that a person will have unmet housing needs where the social landlord considers the person to have housing needs which are not capable of being met by housing options which are available.

4.4.2 Whether unmet housing needs exist will reflect two factors: the circumstances of the particular applicant and the housing options available to that specific applicant.

4.5 Tenants Who Are Under Occupying

4.5.1 Reasonable preference is now awarded to *social housing* tenants who are under-occupying their home, in accordance with the H(S)A 2014. Prospective tenants should consider this when applying for housing and determine how many bedrooms they need.

4.6 Points System

We assess each application's housing need using our points system as outlined beginning on the next page.

Table 4: Points Summary

Reasonable Preference: Homeless or Threatened with Homelessness		
Type of Housing Need	**Description**	**Points**
Homeless or Threatened with Homelessness	a) Applicants living on the streets b) Applicants living in a hostel for homeless people which only allows people to stay temporarily c) Applicants living in supported accommodation for homeless people d) Applicants living in temporary accommodation found for them by the Local Authority because they were homeless e) Applicants living in a movable structure, e.g. a caravan, and they are not entitled or permitted to put it anywhere f) Applicants leaving long-term hospital care and have no permanent address g) Applicants leaving prison and have no permanent residence. h) Applicants leaving care and have no permanent residence. i) Applicants who are going to find themselves in any of the above situations a) to g) within the next two months. If they are going to be homeless within the next two months because the rented flat they live in is to be repossessed, or the privately owned home they live in is to be repossessed or sold, then the applicant must provide written evidence of the date that repossession or sale will make them homeless. Note: the applicant in this situation does not need to be the tenant or the owner. (j)Service Personnel who live in HM Forces Accommodation or applicants in tied accommodation who have six months or less to leave their current accommodation	20
Reasonable Preference: Unsatisfactory Housing Need		
Type of Housing Need	**Description**	**Points**
Insecure Tenancy	Applicant in Insecure Housing Situation (private tenant who has been given notice to leave)	10
Over Crowding	For Every Bedroom Lacking	10
Condition of property	Property is Below Tolerable Standard; or Property has Rising or Penetrating Dampness; or Property has Serious Condensation or Mould Growth in at least two rooms	20 10 10

Lack of amenities	Applicant has no access to kitchen facilities Applicant has No Access to an inside WC Applicant has No Access to Shower or Bath Applicant has No Access to Hot Running Water	6 6 6 6
Sharing amenities	Applicant Sharing: Kitchen/Cooking facilities; Living Room; W.C; and Shower/Bath with Other Household (this includes adult children living in the home) Applicant stays in a B&B, nursing home, long-term hostel, etc. (but is not threatened with homelessness).	8 Add 8 points to total
Mobility/medical condition	Medical points will be assessed on whether the applicant's current housing is unsuitable and that moving can improve the quality of life for the applicant(s). The three categories are: **High Priority**: Moving house is considered to be an essential/emergency situation as the current property cannot be adapted (may require confirmation from the current LL if, for example, it is a ground/MD/1 flight of stairs). Applicant will generally be restricted to ground-floor or level-access housing (for example, with lift access), or amenity housing. **Medium Priority:** Moving house is considered advisable because the applicant's current housing is unsuitable due to stairs and/or lack of amenities (for example, distance from shops or a bus stop), and/or there is evidence of a medical condition that would be improved by a move to more suitable alternative accommodation. This includes a mental health condition. **Low Priority (LHA tenants only):** Moving house is advisable because the tenant's current housing is unsuitable for medical reasons, and moving to alternative housing would improve overall wellbeing. Can be considered for a main door, ground or 1-up property only.	 30 15 5
Social/Family Need	Applicant, or Member of Applicant's Household, Needs to Provide or Receive Support (and lives out-with the G51 area). Approved for adoption/kinship - suggest that this has points under unsatisfactory housing need & also when approval for adoption/kinship received then OC points awarded Local Employment - applicant, or member of the applicant's household is employed locally (and applicant lives out-with the Glasgow boundary)	20 15 5
Harassment or abuse	The two categories are: **High Priority:** Severe violence, harassment or abuse - including that which involves the following:	 30

	• racial harassment; • religious or sectarian harassment; • homophobic harassment; • transphobic harassment; • harassment of autistic people and people with a learning or physical disability • sexual harassment • cuckooing • domestic abuse **Less Serious Priority (LHA tenants only):** Harassment or abuse directed at the tenant and sustained over a period of time, and where other attempts to find a solution by the landlord have failed (evidence required). These points would only be awarded until the landlord makes a suitable offer of rehousing, or if the ASB is still ongoing.	16
Under-occupation (in social rented housing only)	For first bedroom extra For every additional bedroom extra These points will not apply where tenants have initially chosen to under-occupy, and there are no changes in circumstances.	15 10

4.7 Dealing with Homelessness

4.7.1 We have a duty under section 5 of the Housing (Scotland) Act 2001 to house statutory homeless people who are referred to us by Glasgow City Council Homeless Team, unless there is good reason not to.

4.7.2 The Code of Guidance on Homelessness sets out the circumstances where we may have good reason not to comply with a section 5 request. The two good reasons given are where:

- we are unable to make suitable housing available within six weeks of the request; or
- the only housing available at the time of referral is unsuitable due to being of a particular nature (for example, a fully wheelchair adapted property) and not suitable for the applicant.

There are no other grounds for refusing a section 5 referral.

4.8 Exceptional Circumstances

4.8.1 In exceptional circumstances, the Housing Manager and/or the Director of Housing has the discretion to approve the allocation of housing to an applicant whose circumstances are not covered by the allocation policy. This aligns with the Scottish Government's *Social Housing Allocations in Scotland: a Practice Guide* (February, 2019). This will only apply where applicants have an exceptional level of need, greater than others on the list and/or where the circumstances are so extreme or unusual that the allocation policy cannot adequately assess and prioritise them.

4.8.2 The power of discretion should not be required on a regular basis, and a clear audit trail should be kept on the reasons for the allocation. The number of exceptional circumstances cases will be reported to the Management Committee in the HCET quarterly performance reports.

4.9. Local Lettings Plan

4.9.1 Glasgow City Council's annual Local Lettings Plans set out the expected inputs and outputs in terms of housing access for households affected by homelessness. This is subject to the Section 5 Process between the Health and Social Care Partnership (HSCP) and Housing Associations operating in the city.

4.9.2 As Glasgow City Council no longer owns housing stock, there is a reliance on housing associations to meet its statutory obligations in relation to the Section 5 Referral Process.

4.9.3 We will continue to work in partnership with Glasgow City Council Local Letting Community (LLC) and the Homelessness Services of the City Council to ensure we provide the required number of housing offers and settled lets for homeless applicants.

4.9.4 Our own Annual Lettings Plan will reflect this requirement.

4.10 The Annual Lettings Plan and Priority to Reasonable Categories

4.10.1 We will assess housing need annually through our Annual Lettings Plan. The rationale for a Lettings Plan is to monitor general housing trends and specific

waiting-list need patterns. Targets for allocations can then be modified to reflect actual levels of need and demand with estimated turnover of stock.

4.10.2 The Annual Lettings Plan, approved each year by the Management Committee, is based on the number of lets we expect to get in a year against the percentage we plan to allocate to each of the waiting list categories. The Plan will be presented to the Management Committee for approval.

4.10.3 The targets make up an indicative guide for staff to allocate rather than a fixed quota. The Annual Lettings Plan quota will remain in line with our legislative requirements while allowing us to account for local circumstances, for example demolition, a regeneration strategy, or new-build development.

4.10.4 Annual Letting Plan 2026-2027

Homeless Section 5	Transfer	General Waiting List	Other
Up to 67%	20%	8-25% depending on homeless lets (50-67%)	5%

4.11 Protocols

4.11.1 To support sustainable tenancies, our staff can employ a number of working relationships with public, private and third sector organisations. This includes, for example, Social Work services or Women's Aid. The purpose of a protocol arrangement is to work in a co-ordinated way to meet the particular needs or vulnerabilities of a person or group of people. Any agreed protocol arrangement will be included in the Annual Lettings Plan.

4.12 MAPPA

4.12.1 Under the Management of Offenders etc. (Scotland) Act 2005, local authorities, the Scottish Prison Service, and health boards have a legal duty as the 'Responsible Authorities' to assess and manage potential risks related to high offenders under Multi Agency Public Protection Arrangements (MAPPA).

4.12.2 Whilst we are not involved in assessing and managing the risk related to the release and re-housing of high-risk offenders, we do have a duty to co-operate with the agencies who do, specifically under the National Accommodation Strategy for Sex Offenders (NASSO). Co-operation includes, but is not restricted to, the exchange of information.

4.12.3 We acknowledge our Duty to Co-Operate under Part 6 of these arrangements. Where required, our Link Officer will liaise with Glasgow City Council's Sex Offender Liaison Officer (SOLO) and consider our role and responsibilities.

Section 5: Suspensions, Bypassing and Deferring

Any decision not to make an offer of housing to a housing list applicant who has provided all the relevant information to support their application can only be taken under certain circumstances.

5.1 Bypassing

5.1.1 Applicants on the general housing or transfer list can be bypassed if they fail to respond to all reasonable efforts to contact them to carry out a home visit or provide the appropriate information required to support their application and confirm their points.

5.1.2 Applicants can also be bypassed for an offer of housing when they have specified that they do not want to be considered for a particular property type/street/close, for a period of time. This will be regularly reviewed.

5.2 Deferral

5.2.2 Likewise, the decision to defer an offer of housing for, for example, health, family or employment reasons, must be agreed with the applicant for a set period of time and reviewed regularly.

5.3 Suspensions

5.3.1 In certain, more serious circumstances, a suspension can be applied to a housing application, meaning no offers of housing will be made for a specified period of time unless certain circumstances have changed, condition(s) have been met, or a set period of time has passed.

5.3.2 A suspended applicant will be advised of the decision to suspend their application in writing, including information on their right to appeal through the internal and external appeals processes.

5.4 Legal Framework for Suspensions

5.4.1 Section 6 of the Housing (Scotland) Act 2014 ("the 2014 Act") provides additional powers to impose suspensions on applications for social housing. Section 6 amends the Housing (Scotland) Act 1987 ("the 1987 Act") to introduce a new section 20B.

5.4.2 Appendix 1 provides details of the types of suspensions which can be applied and the timescales or conditions that must be met before a suspension is lifted.

5.4.3 Applicants who have been suspended under section 20B have the right to appeal against their suspension. The first stage is an internal appeal to the Housing Manager, followed by an appeal to the Director of Housing and Community Empowerment.

5.4.4 If, following the internal appeal process, the applicant remains dissatisfied with the decision, a complaint can be made through the Complaints Handling Procedure and/or legal advice sought to lodge an appeal to the sheriff, by summary application.

5.4.5 Applicants currently have 21 calendar days from the date that they were informed of the decision to suspend the application, to lodge an appeal to the sheriff.

5.5 Removal from the List

Removal from the list will only be carried out in the following circumstances:

- the applicant has been offered a tenancy by us, and this has been accepted
- the applicant has made a request to be removed from the list in writing, including by email
- the applicant has died
- the applicant has not responded to the ongoing review process, which includes a minimum of three letters being sent over a period of 30 working days.

The next section outlines tenancy changes.

Section 6: Changes of Tenancy

Allocating properties based on housing need and reasonable preference categories helps staff make the best use of our available housing stock.

In addition to the allocation process, tenants, household members and others have the right to apply for certain tenancy changes as part of their Scottish Secure Tenancy (SST) agreement. This includes the right to succeed to a Scottish Secure Tenancy; pass on their tenancy to another member of their household; temporarily sub-let their tenancy; apply to be a joint tenant; and apply to exchange with another social landlord tenant or private tenant.

6.1 Succession

6.1.1 If a tenant dies, a member of the household can apply to succeed the tenancy and become the tenant or joint tenant under the provisions of the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014.

6.1.2. The law sets out who in the household is eligible as a 'qualified person' to succeed to the tenancy. If it is a joint tenancy, the joint tenant automatically remains with the other tenant(s). Where there is no joint tenant, the order of priority is specified as follows:

1) the tenant's spouse or civil partner, provided that the house has been their only or principal home at the time of the tenant's death;

2) if (1) does not apply, then the tenancy may be offered to a member of the tenant's family, provided that it was their only or principal home for at least 12 months at the time of the tenant's death;

3) if neither (1) nor (2) applies, then the tenancy may be offered to the carer, provided that the carer gave up their only or principal home in order to move in with the tenant and that it was their only or principal home for at least 12 months, at the time of the tenant's death.

6.1.3 A 12-month qualifying period for succession applies to all members of the household, including a co-habiting partner (where there is no marriage or civil partnership). The minimum 12-month qualifying period also applies to family members and carers.

6.1.4 The 12-month qualifying period only begins when the person in question, or the tenant, officially notifies us that they have moved in.

6.1.5 The type of tenancy given after succession is a full Scottish Secure Tenancy.

6.1.6 Where a house has been substantially adapted or specifically designed for an applicant or tenant with specific needs, the tenancy can only be succeeded if a member of the household at the time of succession has a requirement for the same type of property. If there are no requirements, then those tenants who would otherwise be eligible to succeed the tenancy will be made an alternative reasonable offer of accommodation. The applicant has the right to appeal the decision, including raising a summary action in the sheriff court.

6.2 Assignation

6.2.1 If a tenant needs to move out of their home or cannot live in their home due to their health, they can apply to assign the tenancy to a member of the household under the provisions of the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014.

6.2.2 The applicant (the assignee) must have had our previous permission to reside in the property and have lived there as their only or principal home for at least 12 months prior to the date of application.

6.2.3 The applicant must apply to us in writing and meet all of the following conditions:

- the applicant would be threatened with homelessness
- the house does not become substantially underoccupied as a result of the assignation. In the case of a refusal for under-occupation, we will discuss alternative options for re-housing, including by application through our housing list.
- we are satisfied that there are no tenancy issues, for example rent arrears or anti-social behaviour and the applicant will be a suitable tenant.

6.2.4 We will provide consent or reasons for refusal within one month of receiving the application. The applicant has the right to appeal under the internal appeals process.

6.3 Sub-letting

6.3.1 We will consider an application from a tenant to sub-let their property in line with Part 2 of Schedule 5 of the Housing (Scotland) Act 2001 and where grounds set out in Subsection (3) of Part 2 of Schedule 5 do not apply.

6.3.2 A tenant must have lived continually within their tenancy for at least 12 months before we can accept an application to sub-let. The application to sub-let will only be considered from those applying to sublet their property on a temporary basis, to a maximum of one year. The application must be in writing and include details of the proposed charges the tenant intends to apply, including a deposit or any other payment in relation to the transaction.

6.3.3 A copy of the proposed sub-let tenancy agreement will be requested as part of the application to sub-let.

6.3.4 The property will stay in the name of the tenant who will remain legally responsible for the terms and conditions of the Scottish Secure Tenancy, including payment of rent, condition of property, and conduct of the person subletting the property. Additionally, the sub-let cannot succeed to the tenancy.

6.4 Joint Tenancy

6.4.1 We will consider an application for joint tenancy in line with the Housing (Scotland) Act 2001, Section 11 (5) as amended by 5.2 Section 12(1) of the 2014 Act.

6.4.2 Before a tenant can request to have someone added to their tenancy agreement as a joint tenant, they must apply in writing for permission. The person the tenant wants to add as a joint tenant, and any existing joint tenant, must apply in writing along with the tenant.

6.4.3 In order to qualify:

- the proposed joint tenant must have lived at the property as their only or principal home for the 12 months prior to making the application to become a joint tenant; and
- the tenant, joint tenant or proposed joint tenant must have notified the landlord that the person they wish to become a joint tenant with is living

in the house. The 12-month qualifying period does not start unless we have been formally notified in writing that the person is living in the property as their only or principal home.

6.4.4 The 12-month period applies to anyone wanting to be a joint tenant, including the tenant's spouse, civil partner or co-habiting partner.

6.4.5 We will only refuse permission to create a joint tenancy when there are reasonable grounds for doing so. Possible grounds for refusal are:

- Person has a history of serious anti-social behaviour
- Person is unlikely to sustain the terms and conditions of tenancy

6.5 Mutual Exchange

6.5.1 All tenants of a social landlord have the right to exchange homes and tenancies under section 33 of the 2001 Housing (Scotland) Act. This legislation also defines the circumstances under which landlords can refuse them.

6.5.2 We may refuse an application for one or more of the following reasons:

- A notice for eviction has been served on the tenant, or the person the tenant has applied to exchange with, or an eviction order is in place
- Rent arrears, and there is no repayment arrangement in place
- The house has been adapted, and no one on the application needs the adaptations
- The exchange would result in one of the houses becoming exacerbated by overcrowding or under-occupation, or one of the applicants for exchange has a Short Scottish Secure Tenancy
- The property is not of a lettable standard

6.5.3 We will also consider mutual exchange applications from private rented sector tenants, including those in mid-market rent tenancies. Staff will ensure that LHA tenants are advised of the potential risks involved in exchanging to an insecure or shorter-term tenancy from a Scottish Secure Tenancy.

6.5.3 If we refuse an application to exchange homes, we will provide confirmation of this in writing citing the reasons why.

6.6 Tenancy Change: Appeals

6.6.1 We will provide consent or reasons for refusal within one month of receiving an application for any of the tenancy changes as outlined. The applicant has the right to appeal under our internal and external appeals processes (see Section 7).

Section 7: Appeals, Complaints and Legal Action

7.1 Appeals

7.1.1 If an applicant is unhappy about points which have been allocated to them; tenancy change decisions; or how properties have been allocated in line with our Allocation Policy, then appeals can be made through our internal and external appeals processes (see Appendix 2).

7.2 Complaints

7.2.1 Our complaint handling procedure was established by the Scottish Public Services Ombudsman (SPSO).

7.2.2 In accordance with housing law, we provide our tenants with thorough information pertaining to our complaint handling process. Moreover, we also advise all service users on their right to complain.

7.2.3 A complaint is defined as:

"An expression of dissatisfaction by one or more members of the public about the housing association's action or lack of action, or about the standard of service provided by or on behalf of the housing association".

7.2.4 Following our internal appeals process, if a customer remains dissatisfied about how we applied the Allocation Policy or administered the process, the complaint will be dealt with through our Complaint Handling Process. This includes escalating the complaint to the Scottish Public Services Ombudsman (SPSO).

7.3 Legal Action

7.3.1 In addition, legal advice can be taken to appeal a decision by raising a summary action in the sheriff court.

Section 8: Monitoring and Review

8.1 Monitoring

8.1.1 We will regularly monitor the Allocation Policy in practice against delivering our policy objectives. This includes monitoring who is being allocated properties against our Annual Lettings Plan and letting quotas. We will make this information readily available to our customers.

8.1.2 In addition, regular reports will be submitted to our Management Committee on performance related to the re-let and allocation of our properties, including performance against Glasgow City Council Local Letting Plan. This will include any appeals up to and including legal action.

8.2 Review of The Housing List

8.2.1 In order to help ensure that the information held on our housing list is up-to-date and that each applicant still wishes to be considered for housing by the Association, the list will be subject to an ongoing review process.

8.2.2 At the time of the review, the Association will ask applicants to confirm (i) that they still want to remain on our housing list, (ii) any changes to their circumstances, and (iii) any information that may be required as part of our regulatory requirements, for example, equalities information. Applicants indicating a change of circumstances will have their application reassessed and will be advised of their new status.

8.2.3 The review will be done in writing, and where no response is received within 30 working days, the application will be cancelled. The Association will send an initial letter requesting contact, then a second letter advising that the applicant must respond within 14 days. If no response is received, the Association will issue a 3rd letter advising that the application is now cancelled due to no contact.

8.3 Review of Policy

8.3.1 This Policy will be reviewed annually to ensure that the appropriate amendments are made. All staff and relevant third parties will be informed.

Continuously reviewing our Policy will ensure it remains effective and meets legal and good practice requirements.

Appendix 1: Housing Application Suspensions and Timescales

1.1 Evidence

The evidence required to support a housing application suspension will be sought from the housing application form, previous tenancy reference(s), or any other agency as required. Applicants must be notified of the reason(s) for suspension in writing, along with timescales and any action that can be taken to lift the suspension. The written confirmation will also include details on the right of appeal and the process for doing so.

Table 5: Suspension Categories and Timescale for Suspension

Reason for suspension	Details	Timescale for Suspension and/or Conditions for Lifting the Suspension
Antisocial behaviour	1. Antisocial behaviour against another person in the locality of a house occupied by them 2. Antisocial behaviour or a course of conduct amounting to antisocial behaviour in relation to an employee of the social landlord in the course of making an application	For serious ASB resulting in criminal conviction and/or eviction, or for ASB conduct towards an employee of LHA: 3 years. For less serious course of conduct: 12 months suspension or consider a short SST.
	3. A course of conduct amounting to harassment of such a person amounting to antisocial behaviour Evidence required: • the nature, frequency and length of the conduct; • the extent to which the conduct arises because of acts or omissions of people other than the tenant; • the effect the conduct is having on other people; and • any other action taken, or capable of being taken, by the landlord to address the conduct.	

	Timescale for ASB must be within three years of the date of application, unless in exceptional circumstances. Management approval required for any ASB over three years from date of application.	
Previous convictions	Applicant, or person applicant resided with, has been convicted of – 1. Using the house or allowing a house to be used for immoral or illegal purposes; or 2. An offence punishable by imprisonment which was committed in or in the locality of a house occupied by them	3 years
Recovery of possession (previous eviction)	This ground allows for suspension where there has been an order for recovery of possession under certain Acts being – (i) the Housing (Northern Ireland) Order 1983 (ii) the Housing Act 1985 (iii) the Housing (Scotland) Act 1987 (iv) the Housing (Scotland) Act 1988 v) the Housing (Scotland) Act 2001.	3 years
Abandoning or neglecting a property	1. A previous tenancy of the applicant has been terminated by the landlord using the s18 abandonment notice procedure 2. The applicant's interest in a previous tenancy was terminated by the landlord using the s20 abandonment by a joint tenant notice procedure	3 years 3 years
	3. Neglect: A previous tenancy was terminated by the landlord on the basis of ground 3 (condition of property) or 4 (condition of furniture) of the 2001 Act 4. Neglect: a tenant or joint tenant of Linthouse Housing has neglected the condition of their home	3 Until the condition of the property is improved
Rent arrears or other tenancy debt	Where there is or was any outstanding liability for payment of rent or otherwise in relation to a house which is attributable to the applicant's tenancy of the house. The amount of the outstanding liability is more than 1/12 of the annual amount payable (i.e., more than one month's rent payment is outstanding) or there is no appropriate repayment arrangement in place, i.e., s20 (2A) of the 1987 Act is satisfied.	Until the debt has been cleared or a repayment arrangement has been agreed and repaid for at least 3 months. Until the court action is concluded, after which, if

	Where legal action has been raised for rent arrears and court action is ongoing.	the applicant remains the tenant of the same property, the repayment arrangement agreed and repaid for a minimum of 3 months rule applies, including any outstanding charges related to the legal action.
Making a false statement in an application	Where an applicant has knowingly or recklessly made a false statement in their application form	6 months
Refusal of previous offers	Where an applicant has refused one or more offers of housing and the landlord considers the refusal of that number of offers to be unreasonable	6 months

Appendix 2: Appeals Process

Internal and External Appeals Process

Who will deal with my Internal Appeal or Complaint?

Mark your written appeal with details of why you feel Linthouse Housing Association made the decision unfairly. This could be for the following reasons:

- You feel that the housing allocation points awarded to you were not an accurate reflection of your circumstances and/or in line with our Allocations Policy
- You feel that the allocation of a property has been made unfairly
- You disagree with the decision to suspend your housing application
- You disagree with the decision made to refuse an application for succession, assignation, joint tenancy, or mutual exchange.

Mark your written appeal for the attention of the Director of Housing and Community Empowerment Team.

If you cannot submit a written appeal or need help or support, contact the office, and we can arrange this.

What will happen with my Appeal?

Once we have received your appeal, we will write to you within three working days to acknowledge your appeal and let you know that it is being dealt with.

We will then write to you again within one month of first receiving your written appeal to let you know the outcome. We will try to write to you sooner than this if we can.

Where the appeal refers to a **housing application suspension**, we endeavour to assess your appeal as soon as possible. Please be advised that you have 21 calendar days from the date you were informed of the suspension to lodge an appeal with the sheriff court.

What if I remain unhappy with the outcome?

If you are unsatisfied with this outcome, and you have not already done so, you can escalate the appeal to the:

- Housing Manager, followed by the Director of Housing & Community Empowerment

Again, within three working days, you will receive a letter confirming we have escalated your appeal to this stage.

Within seven working days upon receipt of the appeal, you will receive a letter telling you the outcome of your appeal.

What if I am unhappy with this second Appeal?

Should you still be unsatisfied with the outcome, then you can send a further complaint to:

Scottish Public Services Ombudsman
Freepost EH641
Edinburgh
EH3 0BR
Tel: 0870 011 5378

The Ombudsman will investigate your case further.

Complaints Handling Further Information

For further information, see Linthouse Housing Association's Complaints Handling Procedure or our Information Leaflet, which is available on our website or from us on request. These can be provided in other languages and formats.

External Appeal through the legal/judicial system

If at any time you feel that we have made a wrong decision which is in breach of your rights, either as an internal tenant, externally as a housing applicant, or as a section 5 referral homeless referral, you can seek legal advice and pursue a decision you believe to be wrong through legal action. This will usually involve raising a summary action in the Sheriff Court.

Independent legal advice can be sought from the following providers:

Govan Law Centre
18-20 Orkney Street
Glasgow
G51 2BZ

Legal Services Agency
134 Renfrew Street
Glasgow
G3 6ST

Equalities Impact Assessment

Title Of Policy:	Allocations Policy
What is the purpose of this policy?	The purpose of the Allocation Policy is to ensure the allocation of LHA properties in a way that is fair, consistent and transparent
Protected characteristic groups affected by this policy:	• Age; • Disability; • Gender Reassignment; • Marriage and Civil Partnership; • Pregnancy and Maternity; • Race; • Religion or Belief; • Sex; • Sexual Orientation • Language and social origin; and other personal attributes
Who is the target audience of this policy?	Employees, service users, management committee, homeless applicants.
List any existing documentation used to complete this assessment:	Housing Scotland Act (2021) Social Housing Allocations In Scotland: A Practice Guide (Scot Gov) The Legal Framework for Social Housing Allocations: Statutory Guidance For Social Landlords (Scot Gov) Assignation, Subletting, Joint Tenancies and Succession Scottish Secure Tenancy: Guidance For Social Landlords (Scot Gov)
Has any consultation taken place with protected characteristics groups identified?	None
What is the likely impact?	N/A
Have you, or will you, put the policy into practice? Who is responsible for delivery of the policy?	The policy will be supported by robust procedures and the Homemaster database system.
How does this policy fit into our wider or related policy initiatives?	The Allocation Policy is a key HCET policy supporting sustainable communities.
Do you have a set budget for this work?	

Version Control

Version Number	Date Approved	Approved by	Notes
2.0	27.10.26	Executive Team	Minimal changes approved by ET in line with SODA.
1.0	17.09.19	Management Committee	None