



Allocations Policy

Board Approved: 7th December 2022

Next Review: December 2025

1.	Introduction and Background	3
2.	Our Policy Aims and Objectives	3
3.	Legal & Regulatory Framework.....	4
4.	Allocations Not Covered by this Policy.....	10
5.	Admission to the Housing List.....	11
6.	Assessment of Need & Award of Priority.....	12
7.	Administration of the Housing List.....	19
8.	The Allocation Process	21
9.	Appeal and Complaints Process	24
10.	Information and Advice.....	25
11.	Monitoring and Review	25

Table of Appendices

Appendix 1	Non Standard Allocations
Appendix 2	Tenancy Starter packs
Appendix 3	Definition of Priority Passes
Appendix 4	Overview of Allocations Process
Appendix 5	Suspended Applications
Appendix 6	Lettings Plan
Appendix 7	Nominations & Homelessness Duties including Section 5 Housing (Scotland) Act Protocol Agreement
Appendix 8	Property Size Rules

1. Introduction and Background

Homes for Life Housing Partnership (HfL) is a registered social landlord, registered with the Scottish Housing Regulator and with Charitable Status providing quality, affordable and sustainable housing and associated services for people in housing need in East Lothian.

Most of our homes are allocated through These Homes, a digital choice-based lettings service used by East Lothian Registered Social landlords as well as several landlords operating in different areas throughout Scotland. The applicants can register with any of the landlords, allowing them to apply for new homes in lots of different areas. The advantage of a digital lettings service is that the applicant can see what homes are available at any time and can choose to apply for the ones that are suitable for their needs and are in areas where they would like to live.

1.1 Other relevant HfL policies that should be considered when referring to this policy:

- Tenancy Sustainment Policy
- Domestic Abuse Policy
- Entitlement, Payments & Benefit Policy
- Data Protection Policy

2. Our Policy Aims and Objectives

The aims and objectives of our Allocation Policy are to:

- to let good quality homes at affordable rents to those in greatest housing need
- to ensure applicants are given choice and allocations result in sustainable tenancies
- to provide a choice of housing to meet a diverse range of housing needs and where appropriate assist with housing support
- promote, maintain, and support sustainable communities through our allocations system
- make best use of our housing stock in line with good practice (e.g., minimising under-occupation)
- work with East Lothian Council to address the needs of people affected by homelessness in line with the agreed 'Section 5 Protocol'
- let empty houses, as soon as possible, to reduce rental loss
- provide applicants for housing with comprehensive information and advice about our allocation's services and housing options
- meet appropriate legal and regulatory standards and promote good practice
- embed equalities into our allocation's services
- review the allocation policy regularly and consult with tenants, housing applicants and other stakeholders if policy changes are being considered
- ensure people have fair and open access to our housing register and ensure reasonable preference is given to those in housing need

3. Legal & Regulatory Framework

This Policy and the procedures, publications and websites that support it, are based on the principles set out in the Scottish Government’s Social Housing Allocations in Scotland: Practice Guide, published in 2019. In addition, we aim to fully comply with the Scottish Housing Regulator’s Social Housing Charter Indicators which support the requirements of the Scottish Social Housing Charter, and in particular, the following outcomes:

Equalities	Social landlords perform all aspects of their housing services so that: 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
Communication	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.
Participation	Tenants and other customers find it easy to participate in and influence their landlord’s decisions at a level they feel comfortable with
Housing options	Social landlords work together to ensure that: <ul style="list-style-type: none">• People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them• Tenants and people on housing lists can review their housing option• People at risk of losing their homes get advice on preventing homelessness.
Access to social housing	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.
Tenancy sustainment	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.
Homeless people	Homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary accommodation when this is needed and are offered continuing support to help them get and keep the home they are entitled to.

We will comply with all relevant legislation including:

- The Housing (Scotland) Act 1987 (as amended)
- The Housing (Scotland) Act 2001
- The Housing (Scotland) Act 2014
- The Homelessness etc (Scotland) Act 2003
- The Human Rights Act 1998
- The Equalities Act 2010
- Domestic Abuse (Protection) (Scotland) Act 2021
- The Data Protection Act 1998 & 2018, General Data Protection regulation (GDPR)

- The Social Housing Charter

3.1 The Context

East Lothian is an area of exceptional housing pressure. Situated to the East of Edinburgh, the area is predominately rural, with a coastline characterised by beaches, seaside towns and golf courses.

As well as being a significant destination for tourists and day trippers, East Lothian has good road and rail links to Edinburgh, and therefore attracts large numbers of (predominantly higher income) commuters. It is also an area to which many people often choose to move in older age.

Locally, the economy is dependent on service industries, tourism and farming, and wages are often low. This means that many low and middle-income households in the area are priced out of the local housing market. The area has a significant homelessness problem.

Land supply is severely constrained, both by the local environment, but also as there is usually opposition to new developments in most towns and villages, even where that development is affordable rented housing. As a result, land prices are often exceptionally high.

Our problems are therefore quite different to many other areas. It is unlikely that on any scale East Lothian will suffer from low demand issues in the foreseeable future, any such issues are likely only to relate to specific properties and in exceptional circumstances.

Our housing stock includes:

- General needs housing- flats and houses with between one and 3 bedrooms
- Care/Supported housing with access to support to enable independent living
- Housing for wheelchair users, specifically designed to meet the needs of people who use wheelchairs or other mobility aids
- Shared equity properties

The majority of our stock was newly built in the late 1990s, early 2000s but we have a percentage of older stock we obtained through transfer from East Lothian Council.

This Policy is therefore designed to make best use of the very limited housing supply we have, by giving preference to applicants in housing need and prioritising transfers for our own tenants, so that each vacancy has the potential to address the housing needs of more than one applicant.

3.2 General Principles

3.2.1 Choice & Empowerment

We want to maximise opportunities for access to housing and allow applicants to make informed choices. We operate These Homes, where available homes are advertised, and applicants apply for the ones they want. We aim to keep the service as easy to use as possible, and to provide clear information and advice so that applicants can make informed choices.

3.2.2 Housing Need

We recognise housing need through a system of Priority Passes, which is explained in Section 6 below.

3.2.3 Lettings to Staff and Board Members

Our policy must operate fairly, and Board members, staff or people close to them must not be given any preferential treatment in the allocations process, neither should they be disadvantaged.

We have Codes of Conduct in place for both our Board and Staff members, and an Entitlements, Payments and Benefits Policy which they must all follow. These processes are in place to ensure that Board and Staff members do not gain any unfair advantage through their connection to HfL. If a Board or staff member or someone close to them is allocated a tenancy, we will ensure that:

- The allocation is in accordance with this Policy and
- Neither the applicant, nor anyone connected to the applicant, is involved in any way or in any part of the allocation process and
- The offer is approved by our Board in advance and
- The tenancy is recorded as an interest in our Register of Payments and Benefits within five days of the tenancy commencing

3.2.4 Sustainable Communities

Sustainable communities are places where people want to live and work, now and in the future. We want to create and maintain such communities and will try to achieve this by avoiding over concentrating any client group in any particular area. Wherever possible, we will try to identify any imbalance, and any action required to address it before a home is advertised. We will include information about any criteria to be applied in the advert.

If we need to by-pass an applicant in the interests of maintaining a sustainable community, we will always try to balance the interests of the individual with the interests of the community and will bear in mind the requirement to give reasonable preference to certain categories of applicant. We will record the reasons for the decision and report such allocations to Board to ensure the decisions we make are fair and consistent.

3.2.5 Sustainable Tenancies

We have a **Tenancy Sustainment Policy (to be finalised and approved)** that seeks to identify and address potential problems at the point of allocation, so that we can ensure appropriate support is provided to enable the applicant to successfully remain in the tenancy. We will carry out an affordability assessment before any new tenancy starts and will address any

affordability issues by referring new tenants to East Lothian Council's Financial Inclusion Service or the Citizen's Advice Bureau (CAB). We may also refer to our partner agency currently 'With You' for tenancy sustainment support. Each new tenant will receive a HfL Welcome pack and further assessed for Tenancy Starter packs (appendix 2).

3.2.6 Lettings Plans

Lettings plans are used to create or promote sustainable communities and are usually time limited. Homes subject to a Lettings Plan may be advertised for a specific client group or household type, and when allocating them, consideration will be given to the requirements of the Lettings Plan. As a result, some applicants may not be made an offer, even if they have more priority than another applicant. See Appendix 6 for more information.

3.2.7 Sensitive Letting

In allocating housing, HfL aims to balance a range of factors:

- the individual's housing need
- the suitability of the house for that applicant
- the needs of the community.

We seek to make sure any let made is likely to be sustained providing a long term and stable home for that applicant. A tool to assist in this matching of property and applicant to avoid housing management issues which may arise, is to make a sensitive let. This means a departure from normal procedure of allocating to the person with the highest level of priority as defined by the allocations policy. Instead, an applicant is selected where there is a match between the suitability of the applicant and the empty property. This is based on knowledge about the applicant, their choices for rehousing and the property, its location, and neighbours.

HfL will document the reasons why a sensitive let is required and specifically why any individual applicant has been bypassed. Any decision to make a property a sensitive let will be recorded and monitored.

We will monitor the impact of sensitive lettings on the individual applicant affected including the number of times bypassed, extra waiting time for an offer and the quality of any later offer.

3.2.8 Partnership Working

We work in partnership with East Lothian Council to ensure that:

- 50% of our available properties are allocated to statutorily homeless households. We have a Nomination / Section 5 Protocol Agreement in place for this purpose
- Access to our joint Mutual Exchange list is available to anyone seeking to swap their home with another tenant
- The National Accommodation Strategy for Sex Offenders (NASSO) operates effectively in East Lothian

We will work with the Council, other Housing Associations, and organisations wherever this will help in addressing housing need in East Lothian, for example by leasing accommodation to partner organisations to help meet particular needs.

We are currently one of several social landlords working throughout Scotland that use These Homes to advertise our available homes. By completing one registration form applicants can choose to be registered with one or all of the landlords' offering homes for rent in the areas they wish to be housed in. We encourage feedback from tenants and applicants and use this to improve our service.

3.2.9 Moving to Other Areas

We aim to help people who want to move around the country, and we will consider applicants who need to move to East Lothian for work, family or medical reasons or to escape harassment or abuse.

We will advise tenants on how to move to other areas by applying on the Mutual Exchange (where two or more tenants agree to swap their homes), called East Lothian X-Changes <https://www.elha.com/mutual-exchanges>. We will support our tenants who want to move, by providing details of landlords in their areas of choice. We will actively consider requests from other landlords throughout the UK to house applicants with high levels of housing need.

3.2.10 Connection to East Lothian

We will assess the needs of everyone who applies to us for a Priority Pass in the same way, however, when allocating properties, applicants with a local connection to East Lothian) will be prioritised over those with no connection to the area. Local Connection is defined in Section 20(2)(aa) of the Housing (Scotland) Act 1987, which also states the circumstances when local connection must not be taken into account. We cannot take local connection into account unless an applicant:

- Works in East Lothian, has been offered employment in the area, or they want to move to the area to look for work. We would need to be satisfied that the applicant looking for work had a specific need for working in the area that could not be met in their own area, and would ask for evidence to support this, for example, confirmation of interview and rejection of employment letters
- Would like to move to East Lothian to be nearer a carer or to be closer to family and would ask for evidence to confirm this. Family is defined in the Housing (Scotland) 2001 Act as spouse, civil partner, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, stepchild or a person who has been brought up by another person and treated as their child
- Has special social or medical reasons for requiring to be housed in East Lothian
- Is subject to harassment • Is subject to or at risk of domestic abuse

If an applicant meets our criteria for a Priority Pass but does not either currently live in East Lothian or have a local connection to East Lothian, then the Priority Pass will not be awarded, and they will not be given priority over other applicants who do have a local connection to East Lothian.

3.2.11 Home Ownership

- We have the right to take account of whether an applicant owns or has owned property before deciding to allocate them a home unless in the following circumstances:
- The property has not been let, but the owner cannot secure entry to the property, for example, it would not be safe to enter due to severe structural faults or where there are squatters living in the property
- Where it is probable that occupying the property will lead to abuse from someone currently living in the property
- Where it is probable that living in the property will leave to abuse from someone who previously resided with the applicant whether in that property or elsewhere
- Where occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by the applicant to prevent that danger When offering a tenancy to a person who is a homeowner, we will consider whether the housing needs of that person can be met through the temporary allocation of a home by a Short Scottish Secure Tenancy (SSST), which will be for an initial period of six months, which may be extended. If we propose to offer a SSST we will advise the applicant of this, and the reasons for our decision at the time of the offer. The applicant may appeal this decision.

3.2.12 Temporary Tenancies

Most of the tenancies that we offer will be Scottish Secure Tenancies that provide long term security of tenure, however, in some limited circumstances, we may offer a Short Scottish Secure Tenancy (SSST) instead. The circumstances in which we may offer a SSST are:

- Where an applicant is a homeowner who cannot live in their property because repairs are required to make their home safe or adaptations are necessary to meet the needs of the applicant or a member of their household, or the property is being sold to enable the purchase of an alternative, more suitable property
- Where, in the previous three years, an applicant or a member of their household has been evicted from a previous tenancy because of antisocial behaviour or has had an antisocial behaviour order (ASBO) served against them, or where a course of antisocial behaviour has been carried out
- A temporary let is needed for a person moving into the area to take up employment, to enable them to seek accommodation
- A temporary let is needed pending development affecting a property
- A temporary let is needed for a homeless person for a tenancy 6 months or over
- To someone receiving housing support services
- Where the property leased by us from another body where the terms of the lease preclude us from subletting under an SST If we grant a SSST which we decide not to either extend or convert to a Scottish Secure Tenancy, we will notify the tenant of the reasons for our decision and the tenant has the right to a review of this.

3.2.13 Joint Tenancies

We advise all applicants of their right to apply for a joint tenancy with a person who is either living with them or intending to live with them.

3.2.14 Kinship Carers, Foster Carers & Those Adopting

We will consider giving priority to those applicants who have been approved for adoption or are approved for fostering or kinship carers. Though our assessment of housing need is always based upon current circumstances, we will consider giving priority where supporting evidence can be provided. We may work with the Children and Young Peoples Services to decide at what stage it is appropriate to give priority.

3.2.15 Pets

HfL accepts that keeping pets offers significant benefits to their owners and therefore encourages it. However, irresponsible ownership can also cause nuisance to others living nearby and so it is necessary to have some rules to ensure that neighbours are not adversely affected. This policy is intended to outline the conditions under which tenants may keep animals in accommodation managed by HfL. Please see our current Pet Policy.

3.2.16 Equal Opportunities

We will not unfairly discriminate against anyone. We will make information available in different formats as appropriate and will provide free access to translation services in our office if they are needed. We will monitor our allocations to ensure that nothing in this Policy leads to unfair discrimination.

3.2.17 Confidentiality

We will treat all personal information as completely confidential and use it only for the purpose of operating this Policy. We will obtain or pass on information only in accordance with the declaration signed by applicants as part of the registration process or with the applicant's consent, or if we are required to do so by law or by our Regulators.

3.2.18 Appeals

Applicants have the right to appeal any decision made in accordance with this Policy. Our Appeals Procedure is described at Section 6.

4. Allocations Not Covered by this Policy

There are occasions when we will not advertise some of our available homes and allocate them differently. We will do this in various circumstances including where:

- We cannot identify suitable applicants for a specially adapted property through advertising
- We are seeking to accommodate people coming to the UK under an official Resettlement Programme (any allocations like this will be reported to our Board)
- Tenants choose to exchange properties with another landlord or HfL tenant (these are known as Mutual Exchanges and the processes we use to manage these are set out in our Tenancy Management Policy)

- A person succeeds to, or is assigned a tenancy (how we deal with these situations is also set out in our Tenancy Management Policy)
- We may lease properties to other organisations or enter into nominations agreements with agencies providing support to people with specific needs (any allocations like these will be reported to our Board).
- Low-cost homeownership properties

4.1 Management Allocations

In exceptional circumstances, we may allocate some of our homes on management grounds (this means we will not normally advertise the property but will allocate it direct to one applicant), for example where there are:

- High level support needs, severe harassment or domestic abuse
- Applicants with exceptional circumstances not otherwise covered by this Policy
- Individuals needing a particular type of property that may not come up for allocation very often so that their health or support needs can be addressed
- A series of possible moves that can meet the housing needs of several applicants, and the first suitable property to facilitate this is available
- Issues relating to an adapted or wheelchair property that means we need to move someone from that house
- Significant antisocial behaviour, harassment or abuse issues and we urgently need to move someone away from that situation

We will avoid re-housing vulnerable applicants in properties where we are aware of an issue that we feel may make it more difficult for them to sustain a tenancy. This happens rarely. Management allocations will be kept to a minimum, and a full record of the reasons for them will be set out in a report that will be retained with the allocation paperwork and will be reported to our Board.

5. Admission to the Housing List

All applicants aged 16 or over are eligible for our housing list. Any priority that we award will depend on their housing and housing related need as defined by our priority system which is explained in Section 6. We will grant applicants living out-with East Lothian priority if they need to move to East Lothian for work, family, or health reasons, or to escape harassment or abuse. We will also assess the housing needs of applicants with no connection to East Lothian, but will prioritise applicants with a connection when allocating properties.

5.1 Registration Process

To register with These Homes, applicants must complete an online registration at. Help is available at our office or over the telephone for anyone who needs support doing this. A paper form is also available. An applicant can register online or in person at our office and apply for a suitable advertised home on the same day they apply. Our registration form is kept as simple

as possible and collects only information essential to our allocation process, housing need assessment and equalities monitoring. At the point of registration, applicants are asked to tell us if they are homeless, overcrowded, have health problems or are living in accommodation suffering from disrepair. If they do, they will be asked to provide further information during registration, to allow us to assess if they qualify for priority. Applicants to the housing register are issued with a unique registration number on the day they register. Unless we have to verify any information provided in the registration, the applicant can begin applying for suitable advertised properties as soon as they are registered, except in the following circumstances:

- The applicant has debt relating to a previous or current tenancy and no re-payment arrangement is in place, or they have an arrangement but have not maintained it for 3 months or 13 consecutive weeks; they declare or we become aware of a history of antisocial behaviour or a criminal conviction relating to, or involvement in, the supply and use of illegal drugs or the applicant requires support to maintain a tenancy
- Applicants who will not be assessed as having a housing need until a later date (for example, where the applicant is in tied accommodation, hospital or prison and this situation is not likely to change for at least one month), will be placed on the housing register but will remain suspended until the applicant contacts us to confirm that they are in a position to accept a tenancy
- Applicants leaving the armed forces can choose to have their circumstances assessed up to six months before their date of discharge then have their registration suspended so that they can benefit from an earlier date of registration or Priority Pass award, but they will remain suspended until they contact us to confirm that they are in a position to accept a tenancy

In all the above cases where an application is suspended, the suspension will last only for as long as it takes to obtain full information or rectify the situation. Further information about suspended applications is provided at Section 7 and appendix 5.

We may ask for supporting documentation of relevant personal circumstances, for example, proof of residence or evidence of harassment, at any time during the registration / allocation process.

We may also make relevant enquiries to confirm information given to us by the applicant. We will make it clear to applicants who own their own home that it is a legal requirement that they must occupy a tenancy as their only or principal home. We will assess the priority of homeowners in exactly the same way as others.

6. Assessment of Need & Award of Priority

This section outlines how we assess the needs of each applicant, let homes in a fair and consistent way to ensure those in greatest need are housed whilst making the best use of our

housing stock. Underpinning our allocation policy, is the applicant's choice to select their preferred areas and house types.

6.1 Priority Pass System

Priority is awarded through a system of Priority Passes. All applicants will be encouraged to apply for priority to reflect their housing need.

There are five levels of Priority Pass:

- Platinum
- Gold Plus
- Gold
- Silver
- Bronze.

Applicants can apply for as many Priority Passes as they feel they may be entitled to.

Priority can be awarded from one or more of the categories listed below, which are further defined in Appendix 3.

A Priority Pass will only be awarded once in each category and will be the highest level of pass that the applicants' circumstances merit.

Category	Details
Homelessness	<p>We recognise housing need due to homelessness by the award of Platinum Priority Passes.</p> <p>Any applicants where East Lothian Council has accepted a legal duty to house them in terms of the current homelessness legislation are awarded a Platinum Priority Pass, our highest level of Priority Pass.</p> <p>Most of our allocations to homeless households are made through These Homes We have a Nomination / Section 5 Protocol Agreement in place with East Lothian Council to ensure that our agreed quota for allocations to statutorily homeless households is met.</p>
Domestic Abuse	<p>We recognise housing need due to domestic abuse by the award of Gold Priority Passes.</p> <p>We recognise that not all applicants will want to approach their local authority as homeless but know that victims and children are potentially at severe risk and continue to remain in that position whilst they remain in their home.</p> <p>We have a separate policy on domestic abuse which applies to our tenants and we will seek to support victims who want to remain in their home but may need to move temporarily.</p>
Harassment and Abuse	<p>We recognise housing need due to harassment or abuse by the award of Silver and Bronze Priority Passes.</p> <p>Harassment can be on the grounds of race, sex or sexual orientation, disability (including mental health problems), colour, religion or belief.</p> <p>Applicants suffering from harassment to the extent that they cannot occupy or have to leave their home will be encouraged to apply to East Lothian Council for assessment under the homelessness legislation, as this could result in the award of a Platinum Priority Pass, our highest level of priority</p>

Category	Details
Medical	<p data-bbox="544 239 1390 304">We recognise housing need due to health problems by the award of Gold and Silver Priority Passes.</p> <p data-bbox="544 344 1390 555">We will consider awarding priority for re-housing on health grounds only where a move may result in a significant improvement in the applicants' health or make their health issue much easier to cope with. We do not assess the severity of the medical condition; we only look at the impact a change of accommodation would have on their health or support needs.</p> <p data-bbox="544 595 1390 696">In assessing applications on health grounds, we will always consider whether or not the applicant's current accommodation could be adapted to meet their housing needs.</p> <p data-bbox="544 736 1390 947">Medical Priority Passes are awarded based upon the information provided in the registration form and we provide guidance to staff to assist them in making these assessments. We will seek further information about the applicant's condition, the impact of rehousing and the type of property required from a health professional at the point of allocation, if this has not already been provided.</p> <p data-bbox="544 987 1390 1052">Minor ailments or conditions that will not be improved by rehousing will not attract priority on medical grounds.</p> <p data-bbox="544 1093 1390 1267">We may place restrictions on the type of property to be offered to an applicant who has been awarded priority on health grounds. For example, someone awarded priority due to difficulties managing stairs in their current accommodation will normally only be able to apply for homes on the ground floor.</p> <p data-bbox="544 1308 1390 1518">We will not normally allocate a home that would require significant adaptations to meet an applicant's needs unless we have no properties available that would meet the applicant's needs without adaptation. In these circumstances we will consider each case on an individual basis, in partnership with East Lothian Council's Social Work Department.</p>

Category	Details
Overcrowding	<p>We recognise housing need due to overcrowding by the award of Gold, Silver and Bronze Priority Passes.</p> <p>We only assess overcrowding for households that have outgrown their accommodation. If an applicant is living with family or a guardian, we will not take account of overcrowding that may already exist within the family but will only consider the needs of the applicant.</p> <p>The following occupancy levels are used to assess overcrowding and to allocate housing of an appropriate size:</p> <ul style="list-style-type: none"> • All adults (over the age of 16 years) are entitled to a bedroom of their own, unless living with a partner, when they will be expected to share a double bedroom • Two children of the same sex can share a double bedroom until one of them reaches the age of 16 • Children of the opposite sex can share a double bedroom until one of them reaches the age of 8 • In some cases, an adult / child's medical condition may mean that they need sole use of a bedroom (we will normally ask for proof of this requirement) • An extra bedroom will be allowed if a carer needs to stay with the applicant for at least three nights per week (we will normally ask for proof of this requirement) • If an applicant has residential access to a child or children for at least three nights per week, the applicant will be allocated one extra bedroom, if required, to accommodate the child or children (we will normally ask for proof of this requirement) • If an applicant has access to a child or children for four nights a week or more, the child or children will be treated as permanent members of the household and we will allocate a home of the appropriate size to accommodate them • In recognition of the fact that overcrowding resulting from access to children is only for part of the week and is therefore not as bad as overcrowding due to children who live there full time, access overcrowding will attract lesser priority • A living room should not have to be used as a bedroom unless it is to accommodate a child or children on residential access of less than three nights per week (and there are no issues with the heating system that would stop this) • No more than two people should share a bedroom unless the applicant chooses to share a room with a child or children on residential access of less than three nights a week • A box room or a room without natural light is not counted as a bedroom available to the household
Under Occupation	<p>We recognise housing need due to changing family circumstances resulting in an applicant now requiring a smaller home by the award of Gold and Silver Priority Passes. As this approach aims to free up larger homes for those who need them, this priority is only awarded to our tenants.</p>

Category	Details
Unsuitable Housing	We recognise housing need resulting from living in a home that is below tolerable standard (BTS), suffering from dis-repair or lacking amenities by the award of Gold and Bronze Priority Passes .
Social/Family Support and Employment (Need to be in a Community and Need to be in a Rural Community)	<p>We recognise housing need due to the need to be in a particular community within East Lothian by the award of Silver and Bronze Priority Passes. Priority may be awarded where an applicant needs to move to:</p> <ul style="list-style-type: none"> • Take up or keep a permanent job (priority will normally only be awarded where the applicant is the main earner and the job is more than one hour's travel from their current home) • Be nearer amenities or services (we will consider the reasons why the applicant finds it difficult to access amenities or services, including availability of public transport) • Maintain contact with children • Give or receive support (we will consider the nature and frequency of the support provided or received)
Transfers	<p>Our tenants are subject to the same conditions of access, assessment and acceptance as external applicants (including the requirement to have kept a repayment agreement for any arrears or debts amounting to more than one month's rent for at least three months), with the following exceptions:</p> <ul style="list-style-type: none"> • We will inspect our tenant's home before a Priority Pass is awarded and will tell our tenant about any work they need to complete to bring the condition of the property up to a satisfactory standard, acceptable to us • If our tenant needs to complete any work to fulfil the obligations of the Scottish Secure Tenancy Agreement, then their application will be suspended until they notify us that the work is complete, and we have inspected it • If a transfer applicant has not applied for a Priority Pass then we will carry out a pre-inspection of their home before any conditional offer of housing is confirmed • Transfers will not be approved unless the property to be vacated is in a condition where it can be immediately re-let • Transfer applicants may be awarded priority for under occupying their existing home • Transfer applicants may be awarded priority for living in a flat for more than two years • If a transfer applicant and another applicant have the same level of Priority Pass, the transfer applicant will be offered the home first, regardless of the date of registration or date of award of the Priority Pass • Transfer applicants who have a clear rent account; maintain their home to an acceptable standard and have no history of neighbour problems or anti-social behaviour will be eligible for a Gold Plus Priority Pass (this gives them priority over all but Homeless applicants, or in situations where the property has been medically adapted, and our tenant does not need these adaptations but there are other applicants that do)

Category	Details
First Affordable Home	People are often forced to continue living in their family home due to a lack of affordable housing options. We recognise housing need for this reason by the award of a Bronze Priority Pass . Priority is awarded to anyone living in the family home who has a total income of less than £30,000 a year and who have never held a social housing tenancy.
Living in flats	We recognise housing need due to living in a flat for more than two years and the applicant wants to move to a house, by the award of a Bronze Priority Pass . This particularly benefits families with young children who would otherwise have no housing need, where there is no suitable play or storage facilities. The added benefit of this is to free up homes for those who need them, therefore this priority is only awarded to our tenants.
Transfers	<p>Our tenants are subject to the same conditions of access, assessment and acceptance as external applicants (including the requirement to have kept a repayment agreement for any arrears or debts amounting to more than one month's rent for at least three months), with the following exceptions:</p> <ul style="list-style-type: none"> • We will inspect our tenant's home before a Priority Pass is awarded and will tell our tenant about any work they need to complete to bring the condition of the property up to a satisfactory standard, acceptable to us • If our tenant needs to complete any work to fulfil the obligations of the Scottish Secure Tenancy Agreement, then their application will be suspended until they notify us that the work is complete, and we have inspected it • If a transfer applicant has not applied for a Priority Pass then we will carry out a pre-inspection of their home before any conditional offer of housing is confirmed • Transfers will not be approved unless the property to be vacated is in a condition where it can be immediately re-let • Transfer applicants may be awarded priority for under occupying their existing home <ul style="list-style-type: none"> • Transfer applicants may be awarded priority for living in a flat for more than two years • If a transfer applicant and another applicant have the same level of Priority Pass, the transfer applicant will be offered the home first, regardless of the date of registration or date of award of the Priority Pass • Transfer applicants who have a clear rent account; maintain their home to an acceptable standard and have no history of neighbour problems or anti-social behaviour will be eligible for a Gold Plus Priority Pass (this gives them priority over all but Homeless applicants, or in situations where the property has been medically adapted, and our tenant does not need these adaptations but there are other applicants that do)

6.2 Limitation of Passes

We are committed to offering applicants as much choice as possible, however, in some circumstances awarding priority will result in restrictions on the type of property or area for which the applicant will receive priority.

We will limit Priority Passes awarded for social or family support or employment to a specific area. We may also limit a Priority Pass to a particular type of property, for example to ground floor accommodation where a pass has been awarded for health-related mobility problems, or to wheelchair accommodation where this is required by the applicant

Applicants who have had their Priority Pass limited by us can still apply for homes that fall out-with the pass limitations, but their Priority Pass will not be recognised for those homes.

6.3 Suspension of Priority Passes

Where we consider that an applicant has intentionally or carelessly worsened their housing circumstances (for example, by moving from a house that was large enough for their household to one that is too small, causing overcrowding), their entitlement to a Priority Pass will be suspended for an initial period of twelve months with discretion to extend this suspension period to a maximum of two years.

The twelve months suspension will begin on the date the applicant worsened their circumstances. The applicant will still be able to apply for available homes but will have to re-apply for a Priority Pass at the end of the suspension period.

Except for Platinum Priority Passes, if an applicant has used a Priority Pass, to apply for a property and they refuse a reasonable offer, their Priority Pass will be withdrawn for a period of twelve months. It is the applicant's responsibility to re-apply for priority at the end of this period.

If a homeless applicant refuses an offer of a home, we will follow the procedure set out in the Nomination / Section 5 Protocol Agreement and inform East Lothian Council (See Appendix 7). The application will be suspended until the Council has completed its investigation.

7. Administration of the Housing List

7.1 Suspended Applications

We aim to keep suspended applications to a minimum and be clear about when they will apply and for how long. We may suspend applications for an initial twelve months with the discretion to extend the suspension for further periods of six months up to two years in the following circumstances, if an applicant has:

Provided false or misleading information in connection with an application

Carelessly or intentionally worsened their current housing circumstances to gain greater priority

Acted in an antisocial manner in their community

- Acted in an antisocial manner towards a member of our staff or any of our Board members during the application process
- Had an ASBO issued to them or a member of their household within the last two years
- Been convicted of an offence that was committed in, or in the vicinity of, their home
- Been evicted from a previous tenancy
- Turned down one reasonable offer of housing
- Deliberately given us false information or omitting relevant information with the intention of being assessed with greater housing need than is the case
- Housing debt of more than one month and no arrangement is in place to pay off their debt or has not kept to an agreed arrangement for at least three months or 13 consecutive weeks (debts older than five years, which have not previously been pursued by the former landlord will be disregarded)

We may also suspend applications for the following reasons:

- The applicant has a change in circumstances
- We are waiting further information
- There are support issues
- The applicant is unable to take up a tenancy
- The condition of the property is not acceptable (HfL transfers only)

We will regularly review suspended registrations to minimise the time any applicant is unable to apply for available properties.

Appendix 5 provides more detailed information in relation to suspensions

7.2 Withdrawal of Registrations

We will withdraw applications only under the following circumstances:

- At the applicants' request
- Where the applicant does not respond to an annual review and reminder letter
- If mail is returned marked "gone away" or not known at this address
- If the applicant does not respond to requests for information
- If the applicant dies

We will re-register applicants on request, taking into account any changes in their circumstances. Their date of registration will normally be the date they re-apply, but applicants can ask to have their registration re-instated with their original registration date if there are exceptional circumstances and can appeal if any initial request is refused.

7.3 Review of Register

We will review applicant registrations annually on the anniversary of the date of registration.

The review form will be short and only ask the applicant if they want to remain on the register and to report any changes in their circumstances. We will give applicants 28 days to respond.

If an applicant doesn't respond to an annual review, we will send a reminder, giving the applicant a further 14 days to respond. If the applicant does not respond to the reminder, we will withdraw their registration.

8. The Allocation Process

8.1 Advertising and Applying for a Property

We will normally advertise every second available home stating that Platinum Priority Passes are valid for the property, in line with our commitment to help alleviate homelessness. Platinum Priority Pass holders can apply for other available homes, but their Priority Pass will not be recognised.

Once we have been notified of a tenancy termination, we will decide if the property will be allocated in line with this section, or if it will be removed from the normal allocation process as outlined in Sections 1.6 (allocations not covered by this policy) and 1.7 (management allocations).

Available homes will be advertised weekly on thesehomes.com and elha.com, in our Head Office window, and on Facebook.

We will also provide copies of our adverts to local Council housing offices, in libraries and the Citizen's Advice Bureaux for display. A dedicated phone line is also available giving details of available properties and allowing applicants to apply by phone. We will assess properties individually and decide what constitutes "Best Use". For example:

- Adverts will include the number of bedrooms (a household makes "Best Use" of a property if it needs all of the bedrooms)
- We may take into consideration the mix of family sizes within the building or immediate area to maintain a balanced and sustainable community
- An advert for sheltered housing will specify that normally only applicants aged over 60 will be considered
- An advert for amenity housing will state that normally only applicants aged over 50 will be considered
- An advert for a property with significant adaptations will specify that we will give priority to applicants whose medical needs mean that they need the adaptations regardless of whether or not they need all of the bedrooms

We will specify any best use criteria and a closing date for applications in the advert. We will maintain a list of support providers and others such as Social Workers and Occupational Therapists who may be helping clients to find a new home and will send weekly lists of our available homes to them by e-mail. Registered applicants may apply for as many advertised properties as they wish at any one time. They will be able to note their interest on thesehomes.com, by telephone, letter, or in person at our office. When a registered applicant applies for more than one advertised home, we will assume that the order in which they apply is their order of preference. No applications will be accepted after the advertised closing date and time.

8.2 How Properties are Allocated

An overview of the allocation process is attached at Appendix 4. Applicants with a connection to East Lothian will be prioritised over those with no connection. We will allocate advertised properties after the closing date for applications using our selection criteria as follows:

8.2.1 Best use

The applicants who will make best use of the home by using all of the bedrooms or by using other features such as ground floor access, other adaptations, or suitability for wheelchair use, and who meet any age limitations.

8.2.2 Priority Homeless

If the home has been advertised stating that Platinum Priority Passes are valid, only applicants with Priority Passes at that level will be considered in the first instance. If there are no applicants with a Platinum Priority Pass, we will revert to the procedure outlined in the Nomination / Section 5 Protocol Agreement with East Lothian Council. Only if no applicants are identified through this route, will we continue to work through the applications list.

8.2.3 Priority Pass Level

If more than one applicant makes best use of an advertised home, then the applicants are placed in order according to the level of Priority Pass that they hold. If more than one applicant has the same highest level of Priority Pass we will consider the applicant who has held this highest level of Priority Pass the longest, unless one of these applicants is an HfL transfer applicant, in which case the home will be allocated to the transfer applicant first, regardless of the date of Priority Pass award.

8.2.4 Date Priority Pass Awarded

Where there is more than one applicant with the same level of Priority Pass the home will be allocated to the applicant whose Priority Pass was awarded earliest.

8.2.5 Date of Registration

The date of registration is the date the applicant was accepted onto These Homes. We consider the date of registration only if there are no applicants with a Priority Pass. The property is allocated to the applicant with the earliest date of registration unless one of the applicants is a transfer applicant, in which case the property will be allocated to the transfer applicant first.

8.2.6 Same Date of Registration or Priority Pass Award

If the date of registration or award of Priority Pass is the same for two or more applicants, we will allocate the property to the applicant with the lower registration or Priority Pass number, since this means that they applied before the other applicant, but on the same day. Our Management Committee delegates responsibility for the day-to-day operation of this Policy to our staff. Our staff will check the accuracy of the list produced by the These Homes software and confirm the allocation. All allocations will involve two members of staff.

8.3 Offers and Refusals

We will contact the successful applicant by telephone on the closing date for applications wherever possible. Applicants who applied for homes on thesehomes.com will receive an email informing them that they were unsuccessful. Applicants applying by other means that have not been contacted within two days of the closing date should assume that they have been unsuccessful.

Any offer we make will be conditional upon the applicant's housing circumstances being confirmed, the applicant providing proof of residency, any evidence relating to the award of a Priority Pass being provided and, if appropriate, previous tenancy references being received. We will enclose a copy of our Scottish Secure Tenancy Agreement with our offer to the applicant being considered for the property.

We will give the successful applicant three working days from the date of our conditional offer to confirm the date and time for a home visit or office interview if one is to be carried out (see home visits below). If the applicant does not contact us within three working days, and they have not previously indicated that they would not be available, for example telling us that they are on holiday or in hospital, then we will withdraw our conditional offer and move on to the next applicant.

8.3.1 Home Visits

We will normally carry out home visits to all successful applicants living within a reasonable distance of our office when they will be asked to provide proof of residency and their housing history (so that we can take up references). If they cannot supply us with this information, we will move on to the next applicant.

For those who have used a Priority Pass to secure their conditional offer, we will also check the information provided at registration. If the applicant has declared tenancy debt equivalent to more than one month's rent charge, we will also check that their re-payment arrangement is still being maintained.

If the applicant lives too far away for a home visit, we will telephone them to check the details provided, at registration or ask a housing provider in their area to carry out the home visit on our behalf. If a telephone interview is carried out the pre allocation interview form will be sent out to check and agree before an offer is made.

8.3.2 Offer

We will send out an offer only after we have completed our required checks such as residency and, if appropriate, Priority Pass information and tenancy references. If the home is ready to let, our offer letter will suggest dates for the applicant to view the property and to sign their tenancy agreement. If the property is not ready, these dates will be arranged over the telephone when it is. The letter will also provide information and advice about rent and Housing Benefit / Universal Credit and inform the applicant what will happen if they refuse the offer. Again, the applicant must respond within three working days or the offer will normally be withdrawn.

If we withdraw an offer, or if the successful applicant refuses the offer, then we will contact the second qualifying applicant and follow the steps outlined above until the property is successfully allocated.

Where a successful applicant has used a Platinum Priority Pass and refuses an offer, we will notify East Lothian Council's Homeless Department and follow the process set out in the Nomination / Section 5 Protocol Agreement.

If an applicant has used a Priority Pass to apply for a property and they refuse an offer, then unless there are exceptional circumstances, we will withdraw the Priority Pass for a period as detailed in Section 7 above. If a Priority Pass has not been used, there is no penalty for refusing an offer.

9. Appeal and Complaints Process

All applicants have the right to appeal against any decision made concerning their registration, the assessment of their housing need, the decision to suspend an application or Priority Pass the withdrawal of a Priority Pass or the withdrawal of their registration or an offer of housing. Appeals and Complaints will be dealt with by staff at an appropriate level. Staff members who made the original decision or were involved at a previous stage of the process will not be involved in appeals and complaints.

9.1 Stage 1

Appeals should be made in the first instance within two weeks of the disputed decision. We aim to acknowledge receipt of the appeal within two working days and to provide a full response within ten working days.

9.2 Stage 2

If the applicant is not satisfied with the Stage 1 decision, or has additional information, they can appeal again. Stage 2 appeals should be submitted within two weeks of the Stage 1 decision. We will acknowledge receipt of the appeal within three working days and aim to provide a full response within 20 working days.

9.3 Stage 3

If the applicant is not satisfied with the Stage 2 decision, their final appeal will be dealt with at Stage 2 of our Complaints Handling Procedure.

If the appeal or complaint is against a decision not to make an offer of housing, the property will not be held until the conclusion of the appeal and/or Complaints process. If the appeal or complaint is successful and the decision not to make the offer was due to an error or misunderstanding by us, the applicant will be offered the first available suitable property, and the allocation will be treated as a Management Allocation (see Section 4.0). If the appeal or complaint is successful because the applicant has provided information not previously available to us, this will be explained, and any penalties applied will be withdrawn.

We will tell applicants about their right to appeal or the next stage in the process in all decision letters.

10. Information and Advice

We will make sure that all our These Homes information is written in Plain English. We have a procedure for providing information in alternative formats for those who need it.

All the information about how These Homes works is available on (currently being reviewed) and thesehomes.com. It will also be made available to applicants applying by other means. If requested, we will provide tailored advice to an applicant about their housing prospects and other housing options. Where appropriate, we will seek and make referrals to other sources of housing support and advice. Whilst the numbers of people applying for each property advertised on These Homes will be available to applicants, more detailed information about our allocations will be available on elha.com.

11. Monitoring and Review

Our Board is responsible for monitoring the operation of this policy, and for bringing any concerns about its operation to the attention of our Board. Quarterly and annual performance reports are considered by our Board as well as reports on any allocations made in accordance with Section 4.1 of this policy.

This policy will be reviewed and revised every three years or more frequently if required to meet changes in legislation, address any weaknesses identified and/or to implement new/good practices or lessons learned.

Non-Standard Allocations

Shared Equity properties

We own a small number of Shared Equity properties.

If a Shared Equity owner decides they want to sell and if there is no available purchaser from our waiting list we may consider purchasing the property ourselves.

If we agree to do this, the District Valuer or alternatives' services will be sought for the valuation of the property.

The shared equity owner will be provided a copy of our valuation and if agreed we will make a formal offer stating our percentage of the valuation.

Our solicitors services will be used for this process.

Tenancy Starter Packs

Often new tenants are offered a property and require assistance. The Starter Pack has been developed to support new tenants in settling into their homes by providing a supply of basic items.

The Tenancy Starter pack list below is an example of some of the items we could offer but we will be led by the needs of our new tenant.

The aim is to provide assistance is to ensure that our tenancies are sustained and our new tenants are able to make a home that they are happy to live in.

	Items supplied	
Cleaning	Mop bucket	Washing up liquid
	Toilet cleaner	Toilet rolls
	Multi-purpose cleaner	Pedal bin liners
	Black bin liners	J-cloths
	Dusters	Scourers
Crockery	Dinner plates	Side plates
	Bowls	Glasses
	Mugs	
Cookware	Frying pan	Large pot
	Small/medium pot	Can opener
	Spatula	Vegetable peeler
Bedding	1 duvet (single or double)	1 duvet cover (single or double)
	Pillow slips	Sheet (single or double)
Towels	Large Bath towel	Hand towel
	Tea towel	
Other	Light bulbs	

Definition of Priority Passes

Need	Priority Level	You qualify if:
Harassment	Silver	You need to leave your home due to persistent serious harassment*
	Bronze	You or a family member are a victim of domestic abuse and you have to leave your home but do not wish to approach the local authority as homeless
Homelessness	Platinum	East Lothian Council have accepted a duty to rehouse you under homeless legislation
Domestic Abuse	Gold	You or a family member are a victim of domestic abuse and you have to leave your home but do not wish to approach the local authority as homeless
Need to be in a Community	Bronze	You need to move to: <ul style="list-style-type: none"> • Take up or sustain permanent employment in East Lothian and your accommodation is more than one hour travel from your place of work • To be closer to your children in East Lothian who you have access arrangements for, but access is very difficult or impossible due to location • To be closer to shops and amenities which you currently have difficulty accessing • Provide or receive support to/from a family member living in East Lothian
	Silver	As above, but with the added requirement of moving to a rural location only **
Overcrowding / Under Occupancy	Gold	You need two or more extra bedrooms (overcrowding within the host family is disregarded), or You are an HFL tenant and your home has one or more spare bedrooms
	Silver	You need one extra bedroom or you are a couple or have two children and sharing a single sized room (overcrowding

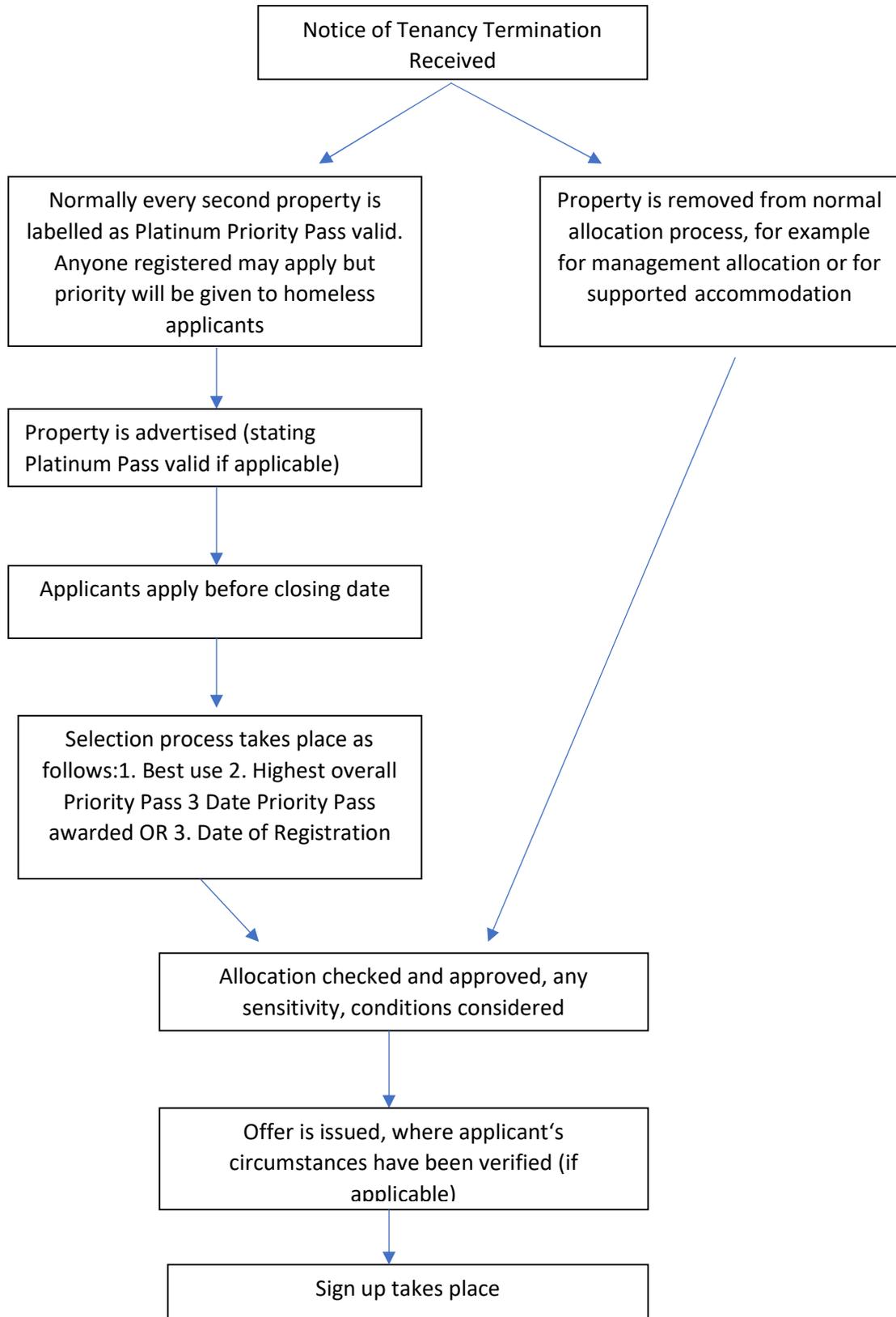
Need	Priority Level	You qualify if:
		within the host family is disregarded), or You are an HFL tenant and your home has one spare bedroom
Unsuitable Housing	Gold	<p>You need an extra bedroom to allow residential access to children for at least 3 nights a week*</p> <p>Your current accommodation is in significant breach of the Tolerable Standard, has severe disrepair or defects, for example, severe dampness, rainwater penetration or structural defects and the landlord is unable to arrange suitable repairs within a 6 month period due to issues out with the applicants/landlord's control. Proof will be sought for example, sight of a valid Statutory Work/Demolition Notice or Demolition Order which has been served on the owner by the Local Authority confirming the nature of the defect, or a report from a qualified person such as Surveyor, Architect or Environmental Health Officer or Your accommodation lacks one of the following:</p> <ul style="list-style-type: none"> • A flushing toilet • An adequate water supply • A fixed bath or shower <p>We may contact your landlord or carry out a house inspection to confirm the lack of amenities</p> <p>If you live in accommodation which is not a house or flat, for example a caravan, we will take into consideration how you came to be there (we will check whether you have intentionally worsened your circumstances - see Section 6.1) where the caravan is situated and if this is your permanent residential accommodation</p>
	Bronze	<p>Your current accommodation lacks one or more of the following basic amenities:</p> <ul style="list-style-type: none"> • A wash hand basin • A hot and cold water supply at the bath / shower and wash hand basin • Satisfactory provision for natural and artificial lighting and ventilation • A whole house heating system • A kitchen area including a sink and somewhere suitable for someone to instal their own cooker • Satisfactory thermal insulation • An electric supply that meets safety regulations • Satisfactory access to all external doors and outbuildings <p>If you lack at least three of these basic amenities we will upgrade you to Gold level. We may contact your landlord or carry out a house inspection to confirm the lack of amenities</p>

Need	Priority Level	You qualify if:
	Gold	You (or household member) have a severe medical condition which is made worse by your current accommodation and would be markedly improved by re-housing, or Re-housing is essential to allow discharge from hospital or to prevent admission to a nursing or residential home, and it is not practical to adapt your home to meet your needs, or Without re-housing the essential activities of daily life such as bathing, cooking and going out etc. are not possible, or You are an HfL tenant (or household member) who requires a medical adaptation and we have not agreed to this work
	Silver	You (or household member) have a medical condition which would be markedly improved by re-housing, or Re-housing would substantially reduce the risk of physical injury, or Your present home makes essential activities of daily living difficult, and it is not practical to adapt your home. Verification from a health professional will be required Limits may be set by us for these Priority Passes, e.g. if a Pass is awarded due to difficulty managing stairs the Pass will be limited to ground floor accommodation
First Affordable Home	Bronze	You (and your partner) have a total annual income of under £30,000 and have little or no access to the local housing market. You have not held a social housing tenancy before, and you are living with your parents
Transfer	Gold Plus	You are an HfL tenant, you qualify for any form of Priority Pass and <ul style="list-style-type: none"> • Have a clear rent account • Maintain your home to a good standard • Have no history of neighbour problems or antisocial behaviour
	Bronze	You are an HfL tenant and have been living in a flat for more than two years

* The level of pass awarded to applicants depends on the evidence provided during the pass application process.

** Rural locations: Aberlady, Athelstaneford, Dirleton, East Linton, Elphinstone, Garvald, Gifford, Gladsmuir, Innerwick, Ormiston, Stenton, West Barns, Whittinghame

Overview of the Allocations Process



1. Suspended Applications

When we suspend an application, we will tell the applicant that they have been put on hold and explain why. We will also tell the applicant what, if anything, they need to do to have the hold status removed.

Where we need to take action, such as make further enquiries, we will make sure that this is done as quickly as possible and that, if required, follow up action is taken immediately.

We will regularly review held registrations in order to minimise the time any applicant is unable to apply for available properties. We may suspend applications in the following circumstances:

1.1 Change of Circumstances

If the applicant buys a property or moves to a secure tenancy, we will suspend the application until we establish whether they wish to remain on the Housing Register.

1.2 Awaiting Information

If we need more information to assess an application, we will suspend the application until we receive the information. We will make sure that requests for information are regularly followed up so that the time the application is suspended is kept to a minimum.

1.3 Rental, Service Charge or Chargeable Repairs Debts

Where the applicant has current or previous rental, service charge, chargeable repairs, legal expenses or any other tenancy debt amounting to more than one month's rent, they must have made an arrangement for re-payment and maintained payments for at least three months.

If no arrangement has been made, we will tell the applicant that their registration will be suspended until this requirement has been met.

It is the applicant's responsibility to ensure that the re-payment arrangement is kept, to inform us when the arrangement has been kept for three months and to let us know if the arrangement is broken. We will check that any re-payment arrangement continues to be maintained before confirming any offer of housing.

Debts older than five years, which have not previously been pursued by the former landlord, or where the debt was not the responsibility of the applicant as a tenant, will be disregarded.

1.4 Anti-social behaviour

Where there is clear evidence of anti-social behaviour in a current or previous tenancy, we will suspend the application until we have fully investigated the circumstances. If we are satisfied that an applicant's circumstances or conduct has significantly changed, the suspension will be lifted.

In considering whether to suspend an application for antisocial behaviour, we will take account of the nature of the behaviour (for example, threats or harassment, fire raising, relevant criminal convictions) and:

- The nature, frequency and duration of the behaviour
- The extent to which the behaviour was the responsibility of people other than the applicant
- The effect the conduct had/is having on other people
- What the applicant has done to address the situation
- The applicant's ability to maintain a tenancy, either with or without support

1.5 Providing False Information or Omitting Relevant Information

Where we consider that an applicant has knowingly or carelessly given false information or withheld information that would have a bearing on their application, we will suspend the application for a period of twelve months.

1.6 Support Issues

If an applicant states that they need support to maintain a tenancy or appears unlikely to be able to maintain an independent tenancy without support, the application will be suspended for as long as it takes us to confirm that an appropriate support package has been identified and confirmed to be available to the applicant.

1.7 Applicant not able to Take up a Tenancy

If an applicant is unable to take up a tenancy, for example, because they are in hospital, prison or haven't yet left the armed forces, we will suspend their application until they are able to move.

1.8 Aggressive or threatening behaviour

If an applicant is aggressive or threatening towards a member of our staff or Board, we will suspend their application for a minimum of twelve months. In all such cases we will work with the applicant, by letter if necessary, towards a mutual understanding of their expected behaviour and attitude.

1.9 Condition of Property (Transfers only)

Where a transfer applicant must bring the condition of the property up to a satisfactory standard (where it relates to a breach of their tenancy agreement) they will be suspended until the work has been completed to our satisfaction (see Section 6.1).

Lettings Plans

We assess all applications in accordance with this Policy but, sometimes, we will adopt a Lettings Plan for a specific geographical area or neighbourhood or type of property. Where we do this, this will be clearly stated in the advert. Lettings Plans will always be intended to create or promote sustainable, stable, and balanced communities. We may adopt a Lettings Plan in situations such as:

- Where we need to prioritise applications for an area that is in high demand
- Where we are trying to promote demand in an area where there are empty properties
- Where we are seeking to stabilise a community that has been affected by incidents of antisocial behaviour
- Where we are trying to promote local employment by providing accommodation for incoming or key workers
- Where we want to ensure a mix of family size, e.g. in new developments or areas with limited children's play areas
- In accordance with East Lothian Council's Housing Strategy

All Lettings Plans will be time limited, and their effectiveness will be regularly monitored.

Nominations and Homelessness Duties Including Section 5 Housing (Scotland) Act 2001 Protocol Agreement

1. Introduction

The purpose of this protocol agreement between East Lothian Council and Homes for Life Housing Partnership is to specify the arrangements for the nomination of re-housing applicants AND referrals under Section 5 of the Housing (Scotland) Act 2001. The terms and conditions of the agreement will be reviewed annually at a review meeting.

2. Principles

East Lothian Council and Homes for Life Housing Partnership aim to work together to:

- Address and assist in reducing homelessness in East Lothian
- Operate an effective, efficient and equitable nomination process, which minimises void losses, and disputes between the parties to the agreement
- Fulfil all relevant Statutory Duties East Lothian Council and Homes for Life Housing Partnership wish to promote equal access to housing and are committed to meeting legal responsibilities in respect of the Equality Act 2010 with regard to age, race, gender re-assignment, religion and belief, marriage and civil partnership, disability, pregnancy and maternity, sex and sexual orientation. All information provided in connection with nominations and Section 5 referrals will be treated as confidential by both organisations.

3. Scope of Agreement

The agreement covers all lettings on a permanent basis to self-contained rented accommodation within East Lothian by HfL.

HfL is committed to assisting East Lothian Council to fulfil its strategic responsibility to provide for those with particular needs within East Lothian. Details of available properties will be provided to appropriate personnel within East Lothian Council who can provide assistance to those with particular needs in identifying and applying for available properties.

4. Publicity

East Lothian Council will provide information on Registered Social Landlords to all homeless, housing and transfer applicants. This information will include details of the differences between Council and housing association tenancies. HfL will advertise all available properties

at its office, on its website, on the These Homes website and will provide information to appropriate Support Providers including the Council's Housing Options Team. East Lothian Council will provide a link from its website to the These Homes website.

5. Liaison Arrangements

Both organisations will have named officers with contact telephone numbers with day-to-day responsibility for nominations and referrals and will confirm any changes to these arrangements.

Any changes to these named contacts shall be notified in writing. In the event of sickness or other periods of absence, there will be a delegated substitute to assume these roles.

6. Notification of Allocation results

HfL will notify East Lothian Council of all allocations within two working days of the successful applicant accepting the property.

7. Information Sharing

Where appropriate, East Lothian Council shall share confidential information including that relating to the conduct of current or previous tenancies of nominated applicants, where this affects their re-housing application.

8. Percentage of Vacancies to Priority Homesless Applicants

HfL will offer 50% of their vacant properties to homeless applicants that East Lothian Council has a duty to house. Section 5 referrals will normally be contained within this 50% quota, but in exceptional circumstances, with the agreement of both parties, a section 5 referral may be made out-with the agreed quota. This protocol is void-led and aims to meet the needs and aspirations of prospective tenants.

In calculating the total number of properties for which allocations to priority homeless applicants will be made, the following shall be excluded:

- Voids created through a tenant moving to another landlord where a reciprocal agreement exists
- Voids created by the death of a tenant where there is a statutory successor
- Decants

9. New Build Developments

In order to ensure that homeless applicants are allowed the same access to newly built, rehabilitated or acquired property as other applicants, HfL will contact East Lothian Council 12 weeks before the anticipated completion/acquisition date. The 50% quota will apply and

the parties will agree whether the properties are to be advertised or whether nominations and/or section 5 referrals are to be provided. A flexible approach will be adopted which may result in advertising some properties and allocating others via nomination/referral.

10. Nominations

HfL will advertise vacant properties under the Choice Based Lettings system, These Homes. A sufficient number of vacancies will state that applicants with a Platinum Priority Pass, awarded by HfL for homelessness, are eligible to apply. Homeless applicants can apply for all properties but can only use their Platinum Priority Pass for the stated 50% of vacancies.

HfL will advertise vacant properties on its website, on the These Homes website, as well as local housing offices and libraries etc. The adverts will run for ten days before the closing date.

In the unlikely eventuality that no homeless applicants apply for an advertised property for which a Platinum Priority Homeless Pass is valid, HfL will contact East Lothian Council by email to request a homeless nomination using the nomination request form. East Lothian Council will take cognisance of HfL's These Homes (Allocations) Policy when making the homeless nomination, using the standard nomination. The form will be emailed to HfL within three working days of the request being received. A nomination will be requested only in the event that no applicant with a Platinum Priority Pass, awarded for homelessness, who also meets the "best use" criteria, applies by the closing date.

10.1 Failure of Nominations

If East Lothian Council fails to provide the requested nomination within three working days, HfL shall remind the Council of the outstanding request by email. Should East Lothian Council fail to respond within two working days of the reminder, HfL shall count this as a failed nomination. For monitoring purposes failed nominations will count towards the 50% homeless quota. In the event that no priority homeless applicant applies by the closing date and the nomination has failed, HfL will allocate the property to the highest placed ordinary applicant. Failed nominations will be reported to East Lothian Council as part of the quarterly performance's statistics provided on the nominations process.

10.2 Withdrawal of Property for Nomination

In an emergency such as fire, flood or immediate re-housing required due e.g. to harassment, HfL reserves the right to withdraw a nomination request or advertised property. In this event, the property will not count towards the 50% allocation to homeless applicants and a suitable property will be substituted when available.

11. Refusal of Nominations

HfL may reject East Lothian Council's nomination where:

- The nominee is not eligible for re-housing under the HfL's These Homes (Allocations) policy because their registration is on hold as a result of the nominee providing false or misleading information in respect of his/her registration
- The nominee has current or previous outstanding rent arrears or rechargeable repair arrears in excess of one month's rent, and no agreed repayment arrangement has been maintained for a minimum of three months. This ground may be waived where the applicant is fleeing harassment as defined by the Housing (Scotland) Act 2001 and/or domestic violence
- The nominee caused serious management problems, which resulted in legal action being taken to end a tenancy or, in the case of hostel type accommodation, the applicant was asked to leave because of serious misconduct. In coming to a decision to reject a nomination on this ground, HfL would look at the circumstances and elapse of time since the tenancy or accommodation ended
- The circumstances of the nominee have changed since the Council last assessed them, and the property in question is no longer suitable for their needs
- HfL is concerned that the household contains a person who may not be able to cope with living in the property without additional care or support, which either the household is unwilling to accept, or which cannot be arranged

Before refusing a nomination HfL will first contact East Lothian Council to see whether differences can be reconciled, or solutions found. Where agreement cannot be reached, HfL shall proceed in line with their policy position.

12. Section 5 Referrals

Section 5 of the Housing (Scotland) Act 2001 places statutory duties on housing associations and other registered social landlords to provide accommodation to homeless people if requested to do so by the local authority. Any Section 5 referral made by East Lothian Council to HfL will where possible be contained within the 50% homeless quota, but it is accepted that in exceptional circumstances a section 5 referral may be made out-with the quota

HfL sends a flyer to East Lothian Council each week properties are advertised. East Lothian Council will respond by email on the same day, or within one working day, if they wish to make a Section 5 referral to a vacant property. If East Lothian Council makes a Section 5 referral the property will be withdrawn from advertisement and will count towards the priority homeless quota except in exceptional circumstances.

The Council will, with the applicant's written consent, provide relevant information concerning the applicant's housing history and any other matters that it would be reasonable for a prospective landlord to take into consideration, particularly any specific requirements and/or support needs. Where the applicant has not granted permission for such information to be provided, HfL will be informed of the refusal.

The Council will also provide any other information of which HfL should be aware in an attempt to ensure that the tenancy can be sustained and any potential issues relating to the health and welfare of the applicant or existing residents can be taken into consideration and properly assessed.

It is agreed that both parties can enter into informal discussion concerning an individual household/person prior to the initiation of the formal referral process. Such discussion will not bind the Council to agreeing to any refusal by HfL to comply with any subsequent formal request for accommodation for the household concerned.

East Lothian Council will make a formal referral by email using the Section 5 Referral Form.

HfL will confirm receipt of the request within one working day. Prior to formally responding, HfL will notify the Council of any reason for not wishing to comply that was not apparent from earlier discussions and/or falls out-with those specified in the guidance to the legislation. It will be for the Council to decide whether or not to proceed with the request to re-house.

HfL will give its formal response within 5 working days of receipt of the referral. Prior to responding, HfL may contact the Homelessness Officer for further information or to provide new information. Such information may result in extending the time for HfL to carry out its part of the procedure. HfL's response will be one of the following:

- Confirms that the household/person referred to HfL under Section 5 of the Housing (Scotland) Act 2001 is being allocated the stated property
- Confirms that HfL is refusing the request, stating "good reason" not to comply. If the HfL refuses the referral stating "good reason" not to comply, HfL will specify its reasons for non-compliance. The Council will consider HfL's response and reply within 5 working days. East Lothian Council may respond by:
 - Discussing HfL's response and reviewing its request
 - Withdrawing the request
 - Instigating the commencement of a period of ten working days within which the parties must either reach agreement or submit to arbitration

If HfL makes an allocation to a Section 5 referral, the allocation will be treated the same as an allocation to a homeless applicant and East Lothian Council will be notified if the property is subsequently refused.

13. Rejection of Section 5 Referrals

Homes for Life Housing Partnership will reject East Lothian Council's section 5 referral where:

- The person concerned has current or previous outstanding rent arrears or rechargeable repair arrears in excess of one month's rent, and no agreed repayment arrangement has been maintained for a minimum of three months. This ground may be waived where the applicant is fleeing harassment as defined by the Housing (Scotland) Act 2001 and/or domestic violence
- The person concerned caused serious management problems, which resulted in legal action being taken or, in the case of hostel type accommodation, the applicant was asked

to leave because of serious misconduct. In coming to a decision to reject a referral on this ground, Homes for Life Housing Partnership would look at the circumstances and elapse of time since the tenancy or accommodation ended

- The circumstances of the person have changed since the Council last assessed them, and the property in question is no longer suitable for their needs
- HfL is concerned that the household contains a person who may not be able to cope with living in the property without additional care or support, which either the household is unwilling to accept, or which cannot be arranged
- In these cases, HfL will first contact East Lothian Council to see whether differences can be reconciled, or solutions found. Where agreement cannot be reached, the arbitration process outlined in section 15 will be implemented.

14. Refusal of an Offer by an Applicant

HfL may offer available properties to homeless applicants who have either applied direct through These Homes, been nominated by East Lothian Council or been referred by East Lothian Council under section 5 of the Housing (Scotland) Act 2001. Under East Lothian Council policy, homeless applicants are entitled to one reasonable offer of accommodation. If a homeless applicant is offered a property by HfL and refuses the offer, HfL will advise the applicant to contact the Council and notify East Lothian Council of the refusal and the reasons by email or telephone on the day of the applicant's refusal. In these circumstances, East Lothian Council's Homelessness Team will need to investigate and decide whether the re-housing duty towards the applicant has been discharged. HfL shall hold the property for the applicant until the Council has completed such investigations. East Lothian Council will normally notify HfL of the outcome within 2 working days.

15. Disputes and Arbitration

Both parties will, in the first instance, attempt to resolve any dispute arising from the operation of this agreement by informal discussion in order to avoid the need for arbitration. At the informal discussion stage, both parties will take cognisance of the Arbitration (Scotland) Act 2010 and associated Guidance on good reason for noncompliance with a request to re-house and to sections 11 and 13 of this agreement. If the matter cannot be resolved informally, it will be referred to a Disputes Panel made up of representatives of East Lothian Council and HfL. The Disputes Panel will be chaired by someone, independent or otherwise, agreed by both parties. Throughout the course of any Formal Dispute the void property subject to the Dispute will remain unallocated until the outcome of the Dispute is known. The Disputes Panel will meet and reach its decision within 7 working days of a Dispute being referred to it. The Panel will also decide how any financial losses incurred by either side are to be split.

The decision of the Disputes Panel will be final and binding on both parties. All Formal Disputes will be recorded in HfLs Disputes Form copies of which will be provided to both

parties. In the event of the Disputes Panel being unable to reach agreement on the outcome of a Dispute, both parties will, as a last resort, consider using the arbitration process outlined by the Scottish Housing Regulator.

16. Monitoring Nominations and Referrals

Hfl will, notify the Housing Options Team of the outcome of referrals and nominations within two working days.

HfL will also provide East Lothian Council with information on its stock numbers by type, area and apartment size and turnover by providing the relevant pages of the Annual Return on the Charter (ARC) submitted annually to the Scottish Housing Regulator.

On a quarterly basis HfL will forward to the Council a summary of:

- Total number of overall lets by HfL, by source category (i.e. both direct and nominated homeless and all other applicants)
- Total number of Section 5 referrals and their outcome

On a quarterly basis the Council will supply HfL with total figures for both the period in question and, cumulatively for the year so far summarising:

- The total number of homeless acceptances for permanent accommodation, broken down by area.
- An analysis of referrals made to each RSL within the council area and their outcome

This data will enable all parties to monitor against the 50% target agreed within the protocol.

A formal annual review meeting will be held to discuss performance, how any shortfalls in the quota of nominations should be addressed, and any proposed alterations to the agreement.

17. Signatures

Signed on behalf of Homes for Life Partnership:

Signature:

Name:

Title:

Date:

Witnessed by:

Signature:

Name:

Address.....

Date:

Signed on behalf of East Lothian Council

Signature:

Name:

Title:

Date:

Witnessed by:

Signature:

Name:

Address:

Date:

Property Size Rules

Household Type	Number of bedrooms		
	1	2	3
Single Person			3
Couple (including same sex couple) with no children			
Parent(s) with 1 child			
Parent(s) with two children under 16 years of the same gender			
Parent(s) with 1 girl and 1 boy both under 8 years			
Parent(s) with 2 children of same gender where there is an age difference of 8 years or more			
Parent(s) with 2 children where 1 is over 16 years of the same gender			
Parent(s) with 1 girl and 1 boy where the oldest is over 8 years			
Parent(s) with 3 children regardless of age or gender			
Parent(s) with 4 children			