

West Lothian Council
Housing Allocation Policy

This document is available, on request, in a range of different formats such as in larger print, audio-format and Braille and in different languages, as appropriate.

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Section 1: Background issues

This section describes the context that explains why the allocation policy has been developed. This section also describes how this policy is structured.

1.1. Context

The allocation policy is a strategic policy document that explains how we address a wide range of housing needs in the West Lothian area. Although this policy is part of housing management practice, allocation practice has a crucial part to play in promoting sustainable and inclusive communities. Sustainable and inclusive communities are areas in which people want to live and work. These areas foster social justice and the elimination of all forms of discrimination.

This policy is based mainly on allocation law but also promotes other legislative provisions, for example, those relating to equal opportunities. The policy also incorporates good practice guidance, including guidance issued by the Scottish Government.

Allocation policy is also aligned to a wide range of other council strategies and policies. For example, the allocation policy aims to promote objectives contained in the council's local housing strategy, as well as its homelessness strategy. This policy is, therefore, part of a holistic or unified approach to addressing housing need in the local area.

Notes

The term "allocation" is a technical term and refers simply to the policy and practices concerning the **letting** of houses.

West Lothian Council will generally be referred to as "we" throughout this document.

The word "house" is used in the Scottish sense and is intended to refer to all house types unless this is otherwise stated.

1.2. Structure

This policy is divided into a number of sections to make the document more accessible; this also enables us to update the document more easily as required, for example, due to changes in allocation or housing law. The main issues covered by each section are summarised below.

Section 2 is a very important section as it describes the key allocation objectives of this policy. These objectives are the framework on which all of our practices are based, for example, commitments to meeting law.

Section 3 sets out, in plain language, the main law and good practice guidance that the allocation policy must satisfy. This is essential as the policy is based on allocation law and good practice guidance.

Section 4 summarises other organisational policies that are linked to allocation practice. This is to explain clearly that allocation policy does not operate in isolation from our other services.

Section 5 explains how we let houses to applicants. This also explains important technical terms such as housing need. Applicants may be either existing tenants or applicants on the common housing register.

Section 6 covers our commitments to promoting equal opportunities through allocation practice. This includes a full explanation of the important principle known as positive action.

Section 7 outlines the types and variety of training that we carry out to ensure that our allocation policy objectives are implemented effectively.

Section 8 describes how we manage our allocation performance. This is achieved through having a range of performance indicators that allow us to monitor practice on an ongoing basis.

Section 9 explains the process for appealing allocation decisions and/or using our complaints system.

Section 10 covers our commitment to consultation on allocation policy review and describes how we review the policy.

Finally, the appendices provide general information for tenants and service users to allow them to check sources or make contacts with other organisations.

Section 2: Allocation objectives

2.1. General

This section is very important as it describes our main allocation objectives, that is, our practical commitments. These objectives are incorporated throughout the allocation system that covers the following parts:

- allocation policy;
- allocation procedures;
- allocation documentation, for example, our summary allocation policy; and
- other policies that are linked to allocations, for example, mutual exchanges.

2.2. Our allocation objectives

Our allocation objectives cover **twelve** core commitments; these are described below.

Objective 1: Law and good practice guidance

We meet all appropriate legal and good practice guidance standards.

Objective 2: Promoting equal opportunities

We promote services to ensure that there is no unlawful or unfair discrimination on any of the issues covered by equality law.

Objective 3: Addressing housing need

We define housing need comprehensively in our policy and use this definition to address a wide range of housing needs.

Objective 4: Developing sustainable and inclusive communities

We implement allocation practices to develop sustainable and inclusive communities in which people want to live and work.

Objective 5: Making appropriate use of our housing stock

We make appropriate use of our housing by promoting tenants' rights such as mutual exchanges and by reducing under-occupation.

Objective 6: Establishing effective partnerships

We establish partnerships, at local and national levels, to address the needs of individual service users, as well as community needs.

Objective 7: Minimising lost income

We let empty houses in line with set time scales to avoid unnecessary loss of rental income; these time scales are contained in our void policy (empty house policy).

Objective 8: Providing advice and information

We provide service users with comprehensive advice and information about our allocation services; this includes assisting applicants with information on their housing options.

Objective 9: Providing training and development programmes

We provide comprehensive training to our housing staff to ensure that allocation services are delivered effectively and efficiently. Training is also provided to tenant groups through our tenant participation strategy.

Objective 10: Managing allocation practices

We manage allocation practices through an internal audit system that is based mainly on performance indicators and appropriate satisfaction surveys.

Objective 11: Dealing with appeals and complaints

We deal with appeals and complaints fairly in line our organisational policy, including dealing with issues within set time-scales.

Objective 12: Consulting on the policy and its review

We review the allocation policy every three years or sooner, if appropriate; we do this in consultation with service users and other relevant partner organisations.

Section 3: Legal and good practice framework

3.1. General

This section summarises, in plain language, the main legal provisions that this policy includes. This covers both allocation law and other law. The section also refers to the main guidance that our policy promotes. Appendix 1 refers to the relevant law and good practice guidance.

3.2. Allocation law

This section summarises the main law on allocations that form the basis of the allocation policy. These provisions cover:

- access to our common housing register;
- groups to be given reasonable preference when letting houses;
- matters to disregard when selecting tenants;
- publicity; and
- access rights to information relating to the housing application.

(a) Access to our common housing register

People who are **sixteen** years or more can apply to join our common housing register. It is emphasised this does not give applicants a right to receive an offer of housing; offers of housing will depend on priority given to applications.

As part of our commitment to promoting equal opportunities, we offer to provide applicants with guidance as to how to complete our application form; we also offer support to applicants to assist them to complete this form, as appropriate. This includes meeting the legal duty of making reasonable adjustments in service provision when providing information to disabled applicants.

We also provide a wide range of information about our housing stock and housing options locally, as well as details of where further information can be obtained.

(b) Reasonable preference groups

We must give reasonable preference to certain groups when letting houses. The groups to which we must give reasonable preference are:

- homeless persons and people threatened with homelessness;
- people living in overcrowded houses or in large families;
- people living in housing that fails to meet the tolerable standard; and
- people living in unsatisfactory housing conditions.

Although these are the main needs with which our policy is concerned, there are various other housing needs that can arise. As recommended by good practice guidance, our policy also addresses these other types of needs (see section 3.4.).

It is also emphasised that there is separate law in relation to dealing with applicants from people affected by homelessness. We have, therefore, established a

homelessness policy to promote our legal duties and good practice guidance relating to homelessness. This policy is based on prevention and is aligned closely to our allocation system. This is explained in section 4.

(c) Matters to disregard when selecting tenants

We must disregard certain matters when we select tenants; these matters are as follows:

- the length of time that applicants have resided in our area;
- any debt related to a tenancy not owed by the applicant, or any housing debt since paid back;
- debt that is not related to housing, for instance, council tax arrears;
- the age of applicants unless housing has been designed or substantially adapted for (a) persons of a particular age or (b) persons to be in receipt of housing support services; and
- income of applicants or any property owned by them, including income or property of other household members.

When letting houses, we must also take no account of whether or not an applicant resides in our area if she/he:

- is employed, or has been offered employment in our area;
- wants to move into our area to look for employment and we are satisfied that this is their purpose;
- wants to move into our area to be close to a relative or carer;
- has special social or medical reasons for being re-housed in our area; and
- wants to live in our area to avoid harassment or the risk of domestic violence, or runs the risk of domestic abuse and wishes to move into the area.

In law, there are three main conditions that we cannot impose, namely that:

- applications must be active for a minimum period before considering applicants for housing;
- a judicial separation order should be obtained; or
- applicants should no longer be living with, or in the same house, as someone else before they can be considered for housing.

When letting houses, we must also disregard any arrears of rent less than one month's rent. This means that the rent arrear will not stop an offer of housing being made. If an applicant is re-housed who owes us rent, we make appropriate repayment arrangements before the offer is made. This procedure is incorporated into our rent arrears policy.

If rent arrears are more than one month's rent, this will not stop an offer of housing being made if applicants:

- agree an arrangement with us to repay the debt;
- pay the amount as agreed for at least **three** months; and
- continue to pay this amount.

As noted, this is incorporated into our rent arrears policy and repayments are linked to what are affordable to the person in arrears.

Note

Councillors (Elected Members) are not permitted to take part in allocation decisions (a) involving local authority housing within their ward or (b) applications for housing that is part of their ward. This also extends to other housing to which the council can nominate applicants, for example, housing of local housing associations. Elected Members can, however, make representations to appropriate committees regarding their views on these matters.

(d) Publicity

In law, we must both make and publish an allocation policy. This includes information governing:

- prioritising our allocation of houses among different applicant groups;
- transfer applicants, that is, how we deal with transfer applications; and
- mutual exchanges that are concerned with existing tenants who want to exchange tenancies (“swap homes”).

We must publish alterations to these rules within six months of making any alterations.

We keep copies of our allocation policy at our principal offices and at all of our housing offices. This is a legal requirement. These rules are available for checking at all reasonable times. For instance, summary rules can be obtained during working hours, or available on our website. We provide a copy of the allocation policy to all applicants in summary form free of charge. Applicants are also given a copy of the full policy free of charge, on request.

In order to promote access to our common housing register, we also keep copies of our allocation rules at a wide range of other offices and organisations. Examples of these are local libraries and other organisational offices.

(e) Access rights to information relating to the housing application

Applicants may access information that they have supplied as part of their application. This information must be provided free of charge.

Applicants may also apply to access personal information that we process in line with the **Data Protection Act 1998**. We may refuse any requests to access personal information only as permitted by this Act. We are entitled to charge for this information and details are contained in our policy relating to data protection.

3.3. Other law

Our allocation policy is based on (and largely determined by) housing law that covers legal provisions relating to allocating housing and homelessness. Our policy is also influenced by a wide range of other laws. Examples of these laws are summarised by reference to the key issues of:

- data protection;
- equality opportunity; and
- family law.

Note

Other law is also relevant such as law relating to immigration and asylum seekers and law concerning offenders. Appendix 1 provides a more detailed reference of a wider range of law that we take into account when developing this policy.

(a) Data protection

We include data protection principles throughout allocation practice so that information gathered is processed in accordance with law. For example, information that is gathered is only shared with the express consent of applicants, or as otherwise permitted or required in law.

(b) Equal opportunity

Allocation policy is a key document for promoting council commitments to promoting equal opportunity, including taking steps to eliminate unlawful or unfair forms of discrimination. This commitment covers all of the grounds in law (now known as “protected characteristics”), as well as other possible forms of discrimination such as discrimination on social origin or class. Further information on how we do this is contained in sections 6 and 8.

One example of how we promote equality matters is to have housing application forms available at all principal council offices, as well as at housing offices and on our website. Our application can be made available in different languages and in other formats such as larger print.

In order to explain the questions in our application form, we can also arrange appropriate services to make it accessible to other people such as:

- arranging for interpreting services to disabled people or persons who require information in another language; and
- providing the information in other formats, for example, in audio-format or Braille.

(c) Family law

Family law is extremely important to protect the rights of individuals. For instance, we provide information to people involved in relationship breakdown to ensure that appropriate housing options are considered. This includes information to spouses, civil partners and cohabiting partners (of the same or opposite sex). Advice and information concerning housing options is also made available, it should be noted, to single people.

3.4. Good practice

Good practice guidance to ensure that allocation practice meets quality standards is contained in a diverse range of documentation. Two key documents whose principles are embedded into allocation policy and practice are:

- the Scottish Social Housing Charter standards; and
- the Scottish Government guidance on allocations.

The Scottish Social Housing Charter standards

We embed the Scottish Social Housing Charter standards into this policy. Full information is provided in Appendix 1.

The Scottish Government Guidance

The Scottish Government has produced a Guide (Social Housing Allocations: A Practice Guide, 2011) that describes what social landlords are required to do to promote good practice. This includes social landlords being aware of local issues through a robust analysis of housing needs' information and to use their allocation policy to address such issues. Our policy takes account of the Guide's recommendations and has incorporated many of these into our overall allocation system (allocation policy and/or allocation procedures).

3.5. Summary

Our allocation policy and its related procedures are based on allocation law, other law and good practice guidance. This is very important for two reasons. Firstly, this enables us to meet our statutory duties. Secondly, this ensures that we promote allocation services that contribute to meeting our corporate goal of developing inclusive and sustainable communities.

Section 4: Other related policies

This section describes three policies of specific relevance to allocations; while Appendix 2 lists the full range of policies to which allocation policy is closely linked. This includes a wide range of council policies, both at organisational level and within housing services itself.

The policies summarised below are:

- harassment;
- mutual exchanges; and
- suspension of offers.

The section below summarises only the main aspects of each policy; full details are available publicly in separate policies and related procedures.

We have also noted beside each heading what policy objectives these address.

4.1. Harassment (Policy objectives: 1 and 2)

We regard harassment on any grounds as being inappropriate and we have established a comprehensive harassment policy to explain what harassment is; and how incidents of harassment are addressed through our specific housing policies. The harassment policy recognises that harassment can take many forms and so each incident must be assessed separately and dealt with using the appropriate remedy.

Allocation policy may be used, for example, to move those affected by harassment away from the area in which it is taking place (see section 5).

Examples of other policies that we use to address harassment are:

- our anti-social behaviour policy; and
- our estate management policy.

The harassment policy also enables us to address harassment on specific grounds contained in the Equality Act 2010. These grounds that are known, in law, as protected characteristics are:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

We may also address harassment that could occur on other grounds such as harassment on grounds of someone's social origin or class, their personal characteristics or language.

A key objective that we promote is to adopt a supportive approach to people experiencing harassment; this includes providing them with access to information to consider and seek appropriate remedies.

4.2. Mutual exchanges (Policy objectives: 1, 3, 4 and 5)

Scottish secure tenants are entitled to apply to exchange their tenancies ("swap homes") with other Scottish secure tenancies anywhere in Scotland.

Although tenants must first obtain our written consent before the exchanging homes, we can refuse consent only if it is reasonable to do so.

We take account of reasons contained in law when considering applications, as well as other grounds that might be relevant. Each case is assessed individually taking account of the particular circumstances of the case. Full details are contained in our separate mutual exchange policy and its related procedures.

After we receive an application to exchange homes, we must provide our written decision within **one month**. If we don't formally reply within this time scale, consent is deemed to have granted. If we refuse an application to exchange homes, we must provide reasons in writing. This is important to enable tenants to consider our written response and to prepare an appeal against our decision. This appeal is to the sheriff court. In line with our commitments to a fair hearing under the Human Rights Act 1998, we provide tenants with their appeal rights when informing them of our decisions.

4.3. Suspension of offers (Policy objective 1)

We have established a separate suspension policy that sets out when we might suspend making offers to applicants who remain on our common housing register. There are three main reasons for suspending offers that relate to:

- an applicant's conduct;
- an applicant's eligibility; or
- deferred or delayed applications.

An applicant's conduct

We may suspend offers of housing to applicants if they are not complying with their tenancy conditions. For instance, we could suspend offering housing to a transfer applicant due to their anti-social behaviour that is causing a nuisance to other tenants.

In the case of rent arrears, we may suspend offers only if arrangements to repay are not made and kept to as discussed in section 3.

If we suspend offers to applicants, this is subject to time scales as set out in our suspension policy.

In line with our commitments to a fair hearing, applicants can appeal our decision as

explained in section 9.

An applicant's eligibility

We may suspend offers of housing to applicants who fail to qualify for housing due to particular allocation policy rules. For instance, offers might be suspended if applicants do not meet the age or support criteria required to access specific housing types such as sheltered housing.

Deferred or delayed applications

An application could be deferred if an applicant wants to register on the common housing register, but does not want to housing at present.

An application can be delayed if an applicant supplies insufficient information to enable us to process the application.

4.4. Summary

This section explains how we have established a number of specific policies and procedures to cover particular aspects of allocation practice. An overview of the diverse range of policies to which allocation policy is connected is given in Appendix 2.

Section 5: Allocation system: key elements

5.1. Introduction

This is a very important section of the allocation policy as it sets out our rules on:

- housing need;
- assessing housing need;
- our allocation system, including key procedures;
- our points system;
- local lettings initiatives; and
- partnerships with other social landlords.

5.2. Housing need

Housing need refers to standards that we use to assess an applicant's housing circumstances. For example, it was shown how allocation law already defines certain housing need factors such as overcrowding or unsatisfactory housing (see section 3, 3.2. (b))

This section describes the various standards that we use to define housing need and covers a wider range of factors contained in allocation law. This is in line with good practice that recognises that housing need is also related to environmental and social factors, not simply housing conditions.

The standards that we use to define housing need are now explained by reference to standards that include legal, professional, socio-environmental and socio-economic standards.

Legal standards

Legal standards that we use to assess housing need exist in respect of homelessness, overcrowding and the tolerable standard. These standards are defined in law and we must meet such standards in practice, for example, we are required to deal with housing that does not meet the tolerable standard.

Professional standards

Professional standards relate to our own internal standards that can be higher than the legal standards. For example, in assessing overcrowding we consider a family that has to use their living room for sleeping accommodation as being overcrowded.

Socio-environmental standards

We recognise that people may be dissatisfied with their housing situation if the general environment in which they live is considered to be inadequate. This could include local infrastructure such as a lack of facilities, shops, schools, places of worship and/or transport links. For example, a person's house may be in good condition, but an applicant who is isolated due to lack of local amenities and inadequate transport systems may prefer to move to other areas. This type of housing need is closely connected to individual applicants' choices and preferences.

Socio-economic standards

This relates to housing need linked to affordability of housing. Applicants who cannot afford to pay for their accommodation costs may be in housing need. For example, a tenant may want to transfer to other housing as she/he under-occupies their accommodation and housing benefit does not cover the full rental costs.

5.3. Assessing housing need

We assess the various forms of housing need on an ongoing basis. We do this for three main reasons. Firstly, it is our statutory duty to evaluate levels and types of housing need in West Lothian. This also includes the needs of particular households for housing such as disabled people. Secondly, we use this information to amend our allocation practices, as appropriate, for example, to amend how we prioritise applications. Finally, we use information that we gather on housing need to inform applicants of their housing options. In practice we do this through our internal Lettings Plan. A Lettings Plan is our internal system to assess:

- the likely number of houses available for letting; and
- the number of applicants seeking access to that housing.

The Lettings Plan is used to set targets of lets to be made to our groups on a yearly basis.

5.4. Our allocation system, including key procedures

This section describes the type of allocation system that we have established to meet our allocation policy objectives. The second part of this section summarises key procedures to inform applicants of our practice. This section covers:

- groups plus points system and policy objectives;
- groups plus points system in practice; and
- key allocation procedures.

5.4.1. Groups plus points system and policy objectives

The groups plus points system has been selected as it enables us to promote our policy objectives effectively. This is now explained below by reference to policy objectives 1 to 5; the other policy objectives form specific sections.

Objective 1: Law and good practice guidance

We meet legal requirements by including the reasonable preference needs as separate groups within our groups plus points system. We also meet good practice guidance by establishing groups that take account of the wider forms of housing need described in section 5.2.

Objective 2: Promoting equal opportunities

We promote equal opportunities through a variety of ways, for example, we regard housing that is not accessible for disabled people as being unsatisfactory housing. This recognises that the barrier that disabled people experience relates to inadequacies of the housing in which they live. This approach also promotes the social model of disability in line with good practice guidance.

Objective 3: Addressing housing need

Our system has clearly defined housing need and uses this information to address a wide range of housing needs. By using groups, this enables us to ensure that targets of lets can be made to any of these groups and amended as housing need patterns change.

Objective 4: Developing sustainable and inclusive communities

Our system promotes this objective by spreading lets among a diverse range of groups that include different household types; this includes meeting the needs of existing tenants who may want to move house for a variety of reasons. This objective is also furthered as we align housing offers to applicant choice, whenever possible.

For example, we set an annual target of lets for all properties (new build and re-let accommodation) to transfer applicants to ensure that transfer applicants with a range of needs are re-housed. This will include tenants who are overcrowded, living in unsatisfactory housing and tenants who are under-occupying their homes. This promotes, in turn, meeting our legal obligations as these needs are covered in law.

This approach is also justified by our allocation policy principles of making best use of the housing stock as well as developing sustainable communities.

For instance, by enabling tenants who are **under-occupying** their present homes to move to new build accommodation, then this meets several objectives.

Firstly, tenants who are re-housed in housing that is not under-occupied may be more affordable, for example, due to housing benefit not being reduced due to under-occupation.

Secondly, re-housing existing tenants enables other applicants' needs to be met as they can be re-housed in the accommodation released through transfers. For example, overcrowded families moving into the under-occupied accommodation can address their overcrowded conditions.

Finally, it is emphasised, this approach promotes our strategic objective of considering the preferences of applicants when allocating houses.

Objective 5: Making appropriate use of our housing stock

We use the groups plus points system to include housing point factors that enable best use of our housing stock. For instance, we give under-occupation points to applicants who seek to move from council housing that is too large for their needs.

5.4.2. Groups plus points system in practice

Our system works by dividing applications into a number of appropriate groups. We then set a target of houses to be let to each group taking account of our policy objectives explained above. This target is assessed using our Lettings Plan as described above.

Applications are pointed individually using our points system and placed within one of the groups (see 5.5. below).

The priority that an application receives is not based solely on the level of points awarded, but on the priority given to each of the groups. This point is explained within the information pack that we give to all individual applicants.

Note

If applicants in the same group have the same points level, then priority is given to the applicant who registers first on the common housing register.

5.4.3. Key allocation procedures

This section summarises, in plain language, what happens once an application is completed and returned to us. It is noted that we also have established detailed organisational procedures that our staff apply so that applications are processed consistently and against set time scales. Applicants can access these procedures, on request.

This section covers the following issues:

- admission to the common housing register;
- processing housing applications;
- offers and allocating houses;
- reviewing applications; and
- information.

(a) Admission to the common housing register

We admit all applications from people who are sixteen or over onto our common housing register. This is in line with allocation law discussed above. This is not the same thing, though, as being offered housing that is determined by our allocation points system (see 5.5.).

(b) Processing housing applications

We provide applicants with a standard application form that we ask them to complete and return to us. This form is available at a wide range of locations, including our principal offices, housing offices and on our website. After receipt of the application, we assess details within and notify applicants of their details (points awarded and so on). This is done within five days. We provide applicants with information, in writing, unless otherwise agreed due to an applicant's specific access needs.

If applicants do not provide us with sufficient information to process their application, this may affect their re-housing prospects, or lead to the application being "delayed" in line with our suspension policy.

As part of our commitment to equal opportunities, we ask applicants of their access needs and liaise with them about any support services that may be needed. For instance, we may employ interpreters (or signers) to provide information to hearing impaired applicants.

We process personal information received in line with data protection legal requirements. For example, we only share applicants' information with other organisations if they have given written consent, or if this is allowed or required in law.

If we contact other landlords or lenders (in the case of home owners) to confirm application details, we will also first seek applicants' consent. If applicants do not provide consent to contact other landlords, and this information is relevant to an allocation, the application could be subject to suspension.

Home visits to check application details may be carried out before an offer is made. Such visits will be arranged in advance with applicants at appropriate times. This is in line with individuals' rights under human rights law, for instance, their right to privacy. If applicants live outside West Lothian, we may ask other landlords and/or agencies to check details.

Applicants can apply for a sole or a joint tenancy with someone else who is either staying with them, or is intending to stay with them. In order to promote information about tenants' rights, we can advise applicants of advantages and disadvantages of both tenancy forms.

(c) Offers and allocating houses

After we confirm application details, we point application forms and put the application into one of our specific groups. If offers can then be made, we base these offers on an applicant's priority and her/his stated preferences, whenever possible.

Our allocation system – in line with good practice – is based essentially on applicant preference or choice. For instance, when selecting tenants for housing, we consider their stated preferences in the application form covering things such as:

- area of choice from a list:
- type of housing and floor levels in the case of flats; and
- types of heating system.

We divide West Lothian into specific letting areas that applicants can refer to in selecting their areas of choice.

Specific information about local amenities can also be provided, on request. For example, applicants may not want to live in an area that is not easily accessible by public transport.

In order to ensure that applicants can make an informed selection, we also provide applicants with information on their re-housing prospects for different areas. For example, we use information gleaned through our Lettings Plan to inform applicants of numbers of houses likely to become available for let each year in different areas.

An important part of this process is to encourage applicants to adopt a realistic approach as widening their areas of choice may increase their re-housing prospects.

Certain types of housing are let only to meet specified needs. For example, we restrict allocations to sheltered housing to older people. This refers to housing specially designed and/or adapted for a particular age group. Similarly, we may restrict lets only to disabled people for housing that has been designed for disabled people. We also ensure that existing tenants receive priority when transferring to new build properties as based on their housing needs, including preference.

We have established a policy that covers access to housing with care, as well as a policy on the allocation of adapted housing. Information on these policies is available, on request.

(d) Reviewing applications

The purpose of reviewing applications is to find out if applicants still want to be re-housed by us. This enables us to keep the common housing register up to date and reduce unnecessary offers. This is an important part of our best value duty to provide services that are efficient and effective.

If you have not had contact with us within a twelve month period we will write out to you on the date of registration. For example, if someone joins our common housing register in March one year and has not updated or amended their application within the following twelve months, the application will be reviewed the following March.

Applicants are requested to advise us, in writing or other appropriate means within fifteen working days if they want their application kept on the common housing register.

A reminder letter is then sent out if we get no response; this allows the applicant another seven working days to reply. If no reply is given, we remove the application from the common housing register and a cancellation letter is sent advising of this.

Applicants whose applications have been removed because of failure to respond can have their original applications re-instated by writing a letter of appeal explaining the reasons for failing to respond. This must be done within six months of the application being removed from the common housing register.

After this six month period, applicants are requested to complete a new application form.

(e) Information

We provide all applicants with a standard information pack that is produced using plain language. This pack can be made available in different formats and/or in different languages, as appropriate. Applicants are responsible for notifying us of any changes in their circumstances. This is important as such changes may improve – or affect – their prospects of re-housing.

The information pack contains the following information:

- a summary of the allocation policy;
- application form and a guide how to complete it;
- information on particular rules, for example, applications involving accessibility or medical issues;
- details of our housing stock and its turnover;
- information on any lettings initiatives;
- details of where to get assistance; and
- details of where to return the form.

5.5. Our points system

Our points system is a groups plus system that is based on allocation law, the reasonable preference groups, and also good practice guidance. Our six main groups are people who:

- are homeless (see below about being threatened with homelessness);
- live in overcrowded houses (or large families);
- live in houses below the tolerable standard, or houses that are unsatisfactory;
- are on our transfer list;
- have general needs; and
- applicants outside West Lothian.

The points that we set for individual needs is given at the end of this section. (5.5.1)

Note

The phrase “threatened with homelessness” applies to applicants who are likely to become homeless in two months. We seek to prevent applicants becoming homeless provide detailed advice to applicants about their housing options.

5.5.1. The groups explained

This section explains each group and their relative priority within the system. Before doing so, **three** general points are made.

Firstly, an applicant can only be placed in one group. This is done to ensure that applicants can easily understand the system and avoid confusion. For example, if an applicant is overcrowded then her/his application is placed in the overcrowding group.

Secondly, although applicants are placed in one group, applications are awarded all relevant points to which they are entitled.

Thirdly, the priority that an application will receive will depend mainly on the priority afforded to each group, not simply the point level that individual applicants receive. We set a target of lets to be allocated to each group that is subject to ongoing review as needs change locally.

More information about this is provided in the application pack that is sent to each applicant.

Group 1: People who are affected by homelessness

Applicants in this group are assessed through the West Lothian Council homelessness policy and procedures. If an application is accepted onto Group 1 following the statutory homelessness assessment, then the application is registered from date of application.

Application priority is determined by date of registration and no further points are awarded.

Group 2: People who live in overcrowded houses (or large families)

Applicants in this group consist of people whose homes either fail to meet the statutory overcrowding standard (appendix 1), or our occupancy standard (Table 1).

Our occupancy standard is more progressive than overcrowding law as it:

- excludes the living room as being viewed as suitable for use as sleeping accommodation; and
- considers that children should have separate bedrooms over **Ten** (see below). (children of same sex would be expected to share a room up until the age of **Sixteen**)

Notes

Applicants whose homes are legally overcrowded and that this is causing ill-health could be eligible to apply for housing as homeless persons.

Our occupancy standard explains how many rooms are needed by households of different sizes. Applicants are granted points if their present house is deemed to be too small to meet their needs. The occupancy standard is also used to assess if a house is being under-occupied (see Group 5 below).

Occupancy standard

Household Size	Bedrooms required
Single person	One
Couple (of same or opposite sex)	One
Anyone else in applicant's household who is/are:	
Aged ten or over (Opposite sex)	One
Two people under Ten/same sex people up to sixteen	One
Any other person	One

Notes

A household refers to any person who wants to live on their own (or with someone else) For example, a family member wanting to apply for housing on their own would be a separate household.

Table 1 entails that, as soon as one child reaches Ten years of age, overcrowding points will be granted if the child has no separate bedroom and has to share with the opposite sex (aged Ten and over) same sex children up to aged Sixteen would be expected to share a bedroom. This is our professional assessment of overcrowding.

Other policy provisions relating to overcrowding

Any applicant could apply to move to other housing that does not reduce their overcrowding but could meet other needs. For example, they might want to live in another area for social reasons that are recognised in this policy as a form of housing need. In such cases, no overcrowding points would be granted.

We take account of people who normally live with the applicant but who are away temporarily when assessing overcrowding. This might include people working away, or in some institutional setting.

In the case of shared custody, the size of house that is offered to applicants will be determined by the terms of the actual arrangement. This is covered within our staff procedures and information is provided to applicants concerned.

Group 3: People who live in houses below the tolerable standard (BTS) or houses that are unsatisfactory

The BTS is a statutory standard and a house fails to meet this standard if it is defective regarding any of the relevant provisions (see Appendix 1 that describes this standard).

The term “unsatisfactory” is not defined in law. We use this term to refer to housing that is not suitable for disabled applicants due to their accessibility needs. For example, a house may not be accessible to a wheelchair user if it has not been adapted to meet their needs. Such housing is a barrier to meeting someone’s needs and is, therefore, unsatisfactory. Applicants with medical conditions are also placed in this group if their house does not meet their particular needs. Applications are assessed through our internal procedures and applicants are notified of this process through their information pack.

Group 4: People who are on our transfer list

We have established a transfer list that consists of existing West Lothian Council tenants applying to move to another house. This is very important to meet the following allocation policy objectives:

- meeting the housing needs of tenants in terms of their preferences since “wanting to move” home is a form of need;

- promoting sustainable and inclusive local communities by meeting tenants' preference needs; and
- making appropriate use of our stock by reducing under-occupation and also releasing housing for other applicants who require larger housing.

A range of points can be granted to tenants such as overcrowding points, unsatisfactory housing points and points for under-occupation. Only West Lothian Council tenants qualify for under-occupation points.

Group 5: People with general needs

This group consists of people with other housing needs in relation to:

- applicants whose houses face modernisation, closure or demolition;
- applicants to be re-housed through local support and care programmes; and
- other particular needs.

Houses facing modernisation, closure or demolition

If West Lothian Council require people to move homes due to their modernisation, closure or demolition programmes, then applicants are awarded points. Applicants may be able to return to their homes following modernisation works.

Re-housing involving support and care programmes

We work in partnership with a range of agencies, both statutory and voluntary, to provide local support and care programmes. In order to prevent homelessness, we grant applicants being re-housed through these programmes points.

Other particular needs

Other needs recognised within our policy include applicants:

- in insecure accommodation;
- in tied accommodation;
- in the armed forces;
- with shared amenities;
- wanting to move for affordability, social and employment reasons.

In the case of applicants fleeing harassment, we have established a separate harassment policy as discussed in section 4.1. This policy seeks to provide those affected by harassment with quality advice to enable them to make an informed decision regarding re-housing options. A point award may be made to applicants who seek to move house if – following detailed investigations – this appears to be the appropriate remedy. This serves to prevent homelessness and thus accords with one of key objectives. Harassment situations could include applicants fleeing domestic violence.

Note: Not covered in Allocations Policy

In allocation practice, it is possible that a situation arises that is not dealt with by our policy, for example, management transfers. In these cases, a point award may be granted following assessment of the particular circumstances. In order to ensure public accountability, such cases can only be authorised by the Head of Housing, Construction and Building Services or delegated senior manager. Following this allocation, the principles must then be adopted into the policy as part of its ongoing policy review.

Group 6: Applicants outside West Lothian

Applicants living outside West Lothian will be placed in one of the above groups if they satisfy the relevant legal rules. For example, residence in West Lothian must be disregarded when selecting tenants if any of the criteria below apply.

Local residence must be ignored if an applicant:

- is employed or has been offered employment in the area;
- wishes to move into the area to seek employment and we are satisfied that this applies;
- wishes to move into the area to be near a relative or carer;
- has special social or medical reasons for needing to be re-housed in the area;
- is subject to harassment and therefore wishes to move into the area; or
- runs the risk of domestic violence and therefore wishes to move into the area.

If an applicant lives outside of the West Lothian area and does not meet any of the above, the application will be placed in Group 7.

If an applicant lives outside of the West Lothian area and meets any of the above, then the application will be placed in one of other Groups.

Points are added for each application to ensure that priority is assessed on overall housing circumstances of each application.

5.5.1 The Points Framework

Homeless		
	Assessment of applicant as being statutorily homeless	Nil points: assessment of need based on date of presentation
Unsatisfactory Housing		
Below tolerable standard	Property does not meet the legal standard	200
Property need assessment A	Property does not meet applicant needs and there is an urgent need to move	200
Property need assessment B	Property does not fully meet applicant needs	150
Overcrowding/Large Families		
Overcrowding	Based on bedroom deficiency in line with family composition, including age on who can share a bedroom	100 (for each room required)
General Needs		
Under-occupation	Based on each bedroom that is unoccupied (social housing tenants only)	200 (for each bedroom under-occupied)
Sharing	Based on applicant's household composition and amenities shared with other households	100 per person
Support	Based on applicant's need to give or receive support	100
Mental Health	Based on applicant's need to move for mental health reasons	100
Threatened with Homelessness and Insecurity of Tenure		
	Leaving hospital, forces, or care ("looked after children"); Rehabilitation, Forced Sale/Notice to Quit, Harassment	250
Preferred area		
	1 area can be selected by applicant as their preferred area of choice to reside in	100

Local Lettings Initiatives

These are promoted under good practice guidance and can be used to address:

- anti-social behaviour;
- low demand housing; and
- unemployment.

Unemployment levels are assessed using internal data that is gathered from various sources, including:

- applicant information forms;
- census information; and
- housing benefit information.

We publish details of any initiative that we seek to so that tenants and other residents understand how the initiative meets legal rules, as well as processes involved.

Before we initiate a lettings initiative, we will:

- base its proposals on a sound rationale using clear statistical data sources;
- consult with tenants to obtain their agreement;
- discuss issues with our partners;
- implement a quality monitoring system; and
- review any initiative on an ongoing basis.

5.7. Partnerships with other social landlords

We have established partnership arrangements with other social landlords through our common housing register. Details of how these partnerships operate are contained in:

- information that we supply to applicants through the information pack; and
- internal organisational protocols that govern the partnership working arrangements.

5.8. Summary

This section explains that we operate a groups plus points allocation system. This system is most appropriate for ensuring that we promote law and good practice guidance effectively.

Section 6: Promoting equal opportunities

6.1. Promoting equal opportunities: general

We promote equal opportunities throughout all of our housing services, including allocation practice. As allocation policy objective 2 states, we seek to ensure that allocation practice does not discriminate either unlawfully or unfairly.

We promote equal opportunities in our allocation policy in a range of ways by:

- providing information about the policy and related services in accessible ways, for instance, producing a summary allocation leaflet in plain language;
- working in partnership with other agencies to promote sustainable tenancies, for example, delivering appropriate support services tailored to individuals' needs;
- monitoring service provision to evaluate that allocation practice is not discriminatory, for instance, through our performance indicators; and
- implementing positive action programmes to promote access to our services (see below).

6.2. Positive action programmes

Positive action programmes are different from positive discrimination that is, generally, unlawful. Positive action refers to initiatives that are undertaken to address historic forms of discrimination against particular groups. For example, disabled people and people from black and minority ethnic groups have traditionally experienced various forms of discrimination in housing. It should be noted that these are examples only and other people affected by discrimination include gay men and lesbian women.

Our positive action programmes are developed continually to address locally identified needs and present initiatives include:

- publishing the allocation policy in other formats and other languages, as appropriate;
- auditing the allocation policy against corporate equality standards (plain language, accessible formats and so on) to ensure that we promote equality objectives;
- publicising the allocation policy widely to promote access to the common housing register, as well as increasing awareness of its content and objectives;
- establishing active partnerships to promote awareness of barriers to accessing housing, for instance, promoting awareness of the social model of disability; and
- monitoring services so that there is no unlawful or unfair discrimination on any of the grounds covered in the Equality Act 2010 or the Scotland Act 1998.

Note

The Scotland Act 1998 defines equal opportunity as follows:

“Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions”

(The Scotland Act 1998, Schedule 5, L2)

6.3. Summary

We are required, as a public body, to take steps to eliminate unlawful forms of discrimination and promote equality of opportunity.

We do this in allocations by developing accessible services and seeking to address the needs of a wide range of households, including those that have traditionally experienced discrimination in service delivery.

Section 7: Training and development

7.1. Our training programmes

We provide comprehensive training so that allocation services are delivered both effectively and efficiently. This means that we must provide services that meet quality standards and offer value for money.

In order to meet this objective, we provide a range of training that is tailored to the jobs of individual staff and their role in allocation services.

Different types of training should be provided, for instance, to cover activities such as:

- advising people affected by harassment of how this might be addressed through allocation policy;
- administrative tasks such as in-putting application data onto the computer;
- advising applicants of their housing options; and
- assessing and monitoring regular reports on allocations made to ensure that there is no discrimination in our services.

In order to implement our training objectives effectively, we have established a range of training programmes that are also used to promote tenant participation (see section 10).

Examples of these training programmes are:

- legal training on issues related to allocation and housing law and other relevant law such as law on harassment;
- allocation policy and procedures training;
- training on using information technology systems;
- monitoring and assessing data collected as part of allocation practice; and
- general skills development for staff dealing with the public, for example, conducting effective interviews and quality customer care training.

7.2. Summary

We recognise that training should be seen as a developmental activity and our staff receive a wide range of training that is tailored to their particular job needs.

Section 8: Managing our allocation performance

8.1. Managing performance: general information

In order to manage allocation performance effectively, we have established management measures as follows:

- data gathering and assessment;
- feedback from tenants and other service users;
- consultation;
- performance indicators; and
- reporting systems.

8.2. Data gathering and assessment

We gather a wide range of data as part of the allocation service, for example, numbers of applicants and lets to different applicant groups. In order to evaluate these data in an evaluative way, we assess data both quantitatively and qualitatively. This is explained below.

Quantitative monitoring involves measuring data by reference to numbers. For example, we monitor additions and cancellations of applications to our common housing register to assess demand for housing.

Qualitative monitoring is concerned with quality issues and would include things such as (a) accuracy of advice that we provide to applicants, or (b) quality of written documentation that we provide.

The issues that we monitor in practice are shown below in 8.4.

8.3. Feedback from tenants and other service users

We also gather information on our allocation service through our tenants and service users. For example, we carry out regular satisfaction surveys to ascertain tenant views on the quality of our services.

8.4. Consultation

We use information that we gather to produce reports whose data can also be passed to tenants' groups, individual tenants and other service users such as housing applicants, as appropriate. This information, including data on performance indicators, is then used to inform active tenant consultation relating to policy review. For example, by providing tenants with accurate information about local housing needs' trends, this can inform debates on targets of lets to be afforded to the various housing groups (see section 5).

8.5. Our performance indicators

Our performance indicators measure issues both quantitatively and qualitatively.

(a) Quantitative monitoring

We monitor numbers of the following issues under the headings below.

Access to the common housing register

- applicants on the common housing register, including tenants seeking to transfer or exchange houses;
- new applications to the common housing register, including dealing with against set scales; and
- deletions from the common housing register.

Offers and lets of accommodation

- offers to applicants, including information on accepted and refused offers;
- offers suspended and reasons;
- allocations to each housing against targets; and
- tenancies by length of tenancies following allocation.

Equality monitoring

- equality information to identify applications, offers and lets by reference to factors such as age, disability, ethnicity and race and gender.

Note

Full information on the extent of equality monitoring is contained in our internal reports; these are available publicly.

Appeals and complaints

- appeals and complaints, including outcomes.

(b) Qualitative monitoring

This type of monitoring includes activities such as:

- the quality of our verbal advice and information about allocation matters; and
- the quality of our public information relating to written and electronic formats.

This includes meeting corporate quality standards such as producing information, as appropriate, that is:

- accurate;
- in plain language; and
- accessible to the needs of individual service users.

We also monitor specific issues to inform practice such as:

- reasons why tenants are seeking to transfer to other houses, or to exchange homes with other tenants; and
- reasons for offers being refused.

8.6. Consulting

We present information on allocation practice to Council committee in line with set time scales.

We also provide information on allocation matters to tenants and other service users through methods agreed as part of our tenant participation strategy.

8.7. Summary

Managing performance is an important part of our allocation policy and practice. Information that we gather is used to improve our services, as well as addressing any practices that could be discriminatory. Information on performance is also used to inform consultation with tenants and service users as part of allocation policy reviews.

Section 9: Our appeal and complaints system

We adhere to the Council complaints system that is based on a two stage system of complaints.

The Council also applies the statutory appeal system in relation to homelessness applications.

Section 10: Reviewing the allocation policy

The allocation policy is reviewed on an ongoing basis in line with Council procedures. The review of the policy is linked to our tenant participation strategy to ensure comprehensive consultation with tenants and other service users.

Appendices

Appendix 1: Guidance: law and good practice

Appendix 2: List of policies to which allocation policy is linked

Appendix 3: Useful contacts

(all to be inserted in due course)