



## **Allocations Policy 2-1**

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**Person Responsible:  
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## Allocations Policy 2-1

### 1. INTRODUCTION

#### i) Cube Housing Association Limited

Cube is a social landlord within the Wheatley Group registered with The Scottish Housing Regulator. We own and manage over 3000 houses in west central Scotland. The Association is also a registered charity. This policy sets out the rules that we will use to let our houses.

#### ii) Why we have an Allocations policy

Our core business is to provide high quality housing and housing services for rent; helping to create and sustain neighbourhoods where people want to live. We want to ensure that everyone has fair and open access to our housing list and assessment process. This policy sets out how we will:

- give reasonable preference to those in greatest housing need;
- make best use of the available housing stock;
- maximise choice, and;
- help to create and sustain balanced communities.

We aim to comply with all relevant housing legislation and to apply best practice. We will aim to meet the outcomes that Social Landlords should achieve as set out within the Social Housing Charter. We are committed to letting our houses in a way that is fair to everyone, regardless of factors such as age (unless under 16) disability, race, colour, ethnic or national origin, gender, sexual orientation, marital status, religion or family circumstances.

We recognise our role as one of many social landlords in west central Scotland. We will work with them and other agencies to identify and meet housing need and to maximise and simplify access routes into our housing. Our policy is designed to contribute to delivering wider aims for good housing and communities in Scotland and it will complement Local Authorities' work in relieving homelessness, poor housing conditions and other housing needs.

#### iii) Openness and Accountability

This policy covers all the lets we make and all the house types we provide.

We are committed to helping people find a new home as quickly and easily as possible and to making our decisions transparent and accountable. We will:-

- Make information widely available about our houses and services;
- Make applying for a house as straightforward as possible
- Provide good information and advice to applicants to allow them to make informed choices about available housing;
- Publish information about the lets we make and the outcomes of this policy.

#### iv) Cube House types and locations

The table below details the type and size of properties we have for rent in each of the Local Authority areas where we have houses.

Property Types	Number of Bedrooms						Local Authority Area
	0	1	2	3	4	5+	
Multi-storey Flat	200	783	827				– Glasgow
Walk up flat (tenement)	50	261	260	18			– Glasgow, East & West Dunbartonshire, North & South Lanarkshire, East Renfrewshire
Cottage flat (4-in-a-block)		16	30				– Glasgow, East & West Dunbartonshire, North & South Lanarkshire, East Renfrewshire
Maisonette		4	91	66			– Glasgow
House		1	218	220	12	1	– Glasgow, East & West Dunbartonshire, North & South Lanarkshire, East Renfrewshire
Supported Accommodation	137	41	14	18	59	61	– Glasgow, East & West Dunbartonshire, North & South Lanarkshire, East Renfrewshire, Argyll & Bute
<b>Total Properties at 1/6/2013</b>	<b>387</b>	<b>1106</b>	<b>1440</b>	<b>322</b>	<b>71</b>	<b>62</b>	

As we regenerate our communities with new properties being built and old properties demolished up to date details can be found on our web site at [www.cubehousing.co.uk](http://www.cubehousing.co.uk).

## 2. ACCESS TO HOUSING REGISTER

### i) Information & Advice

We want to raise awareness of the housing and services we can provide at Cube and to make applying for a house as straightforward as possible. We will make information and registration forms available in a variety of locations and formats, in places where people who could benefit from our housing services are likely to look for and expect them, e.g. Wheatley Group partners offices, Local Authority offices, Online, Homeless Partnership offices and other agencies such as BME support agencies. As well as providing information on the opportunities available in our own housing stock, we will highlight any other housing providers in the area and how to contact them.

Officers can via the Housing Options framework discuss with applicants their current housing situation and future aspirations. Through Housing Options we will discuss support needs, the likelihood of being allocated one of our houses, alternative tenure options and debt and other financial pressures. Our aim will be to achieve a suitable outcome for the individual customer.

### ii) Getting on to the Housing Register

The Housing Register is the list of people applying for any Cube Housing Association home either as a new or transfer applicant. Anyone who is 16 or older can go on the Housing Register at any time by completing a Registration Form. This is only the beginning of the process and being added to the Housing Register does not give someone the right to be given a house. Access to housing will depend on housing need and the way we prioritise between applicants. We will set the priority of applications when we receive them. If we need more information, we will ask for it quickly.

## 3. ACCESS TO HOUSING

### i) Assessment of housing need

We recognise that there are many reasons why people need or want to move home or set up in their own home. At Cube, we want to provide services in successful communities where people want to live so we will provide housing for a wide variety of people, for example;

- single people
- households with children
- couples including same sex partners
- adults sharing
- older people
- people who need support to live in the community
- asylum seekers and refugees
- young people

And for a wide variety of reasons, including;

- homelessness
- poor housing conditions
- medical and mobility needs
- overcrowding
- to give or receive support
- relationship breakdown
- violence and harassment

**ii) Prioritising housing needs**

In prioritising these various housing needs, and in line with statutory requirements, our assessment of housing need aims to give reasonable priority to applicants in one or more of the following categories. People who:

- Live in houses which do not meet the statutory “tolerable standard”;
- Are overcrowded;
- Have large families;
- Are living in unsatisfactory housing conditions; and
- Are Homeless or threatened with homelessness.

**iii) Definitions of Priority Groups**

On registration, we will assess housing need and, for Cube Choice properties, we will determine which of 7 Priority Groups is appropriate:

<b>Group 1</b>
<b>No Priority</b> – External applicants and Internal Transfer applicants with no housing need priority.
<b>Group 2</b>
<p><b>Priority Homelessness</b> – (Section 5 referral) Assessed by Local Authority in the area where applicant wishes to be housed as statutorily homeless and in priority need. In Areas outwith Glasgow, the Local authority can nominate homeless applicants through the Nominations / referral process.</p> <p><b>Violent Harassment (within or directed at the home)</b> – Where an applicant or household member is the victim of domestic abuse, racial, homophobic or disability related or other violent harassment or is subject to violence. Cases meriting a Management Transfer will require approval by the Head Of Housing. We may request supporting information from other agencies e.g. Police, Social Work Department or other agencies or support groups. The Group priority will apply for six months or two offers when the Group priority will be reassessed.</p> <p><b>Community Care Assessments</b> (Referrals i.e. 24-hour supported) – Where an applicant has been referred to the Association by a Local Authority Social Work Department for housing within our specially adapted accommodation for those requiring 24-hour support.</p> <p><b>Exceptional Housing Need</b> - The Head of Housing has delegated authority to respond effectively to those in exceptional housing need where an emergency management transfer is required. These cases are low in number (less than 0.5% of lets) and we expect them to remain at a low level. We will monitor this closely and take steps should it begin to impact on the integrity of the advertised lets system. In these cases, the Head of Housing may identify properties before they are due to be advertised through the normal process.</p> <p><b>Below Tolerable Standards</b> - We will award a priority where an applicant’s current accommodation falls below tolerable standard as defined by legislation. We will only award a priority for this if the local authority confirms, in writing, that the property is below tolerable standard.</p>
<b>Group 3</b>
<p><b>Medical</b>– The applicant (or household member moving with applicant) has a medical condition (other than mobility) which would be substantially improved by rehousing, or where rehousing would substantially reduce the risk of physical injury or worsening of the condition. Also, where the applicant’s present home makes essential activities of daily living difficult. We will review medical priorities every six months and counsel applicants who have not used their medical priority.</p> <p><b>Harassment and abuse</b> - Harassment and abuse within the home or personally directed at the applicant, a member of their household or directed at their home. This includes but is not limited to psychological, domestic, racist, homophobic, disability or personal abuse or graffiti.</p> <p><b>Overcrowding</b> – Where one or more additional bedrooms are required by the applicant and their household.</p> <p><b>Condition of Accommodation</b> – an applicant, whose current accommodation is structurally unsound, fails to meet the tolerable standard or is subject to a closing order, demolition or other statutory order dated within the preceding 6 months</p> <p><b>Bed and Breakfast</b> accommodation/hostel accommodation or other insecure accommodation e.g. lodging in overcrowded circumstances.</p>
<b>Group 4</b>

**Social support need** – Where an applicant would benefit from a move to provide/receive care or support to/from a resident, agency or educational facility within the requested area or for employment reasons. Supporting evidence would be required in such cases.

**Sustained Harassment and Abuse within the wider local area** – Where the applicant or member of their household is subject to sustained non-violent harassment unrelated to their home and/or abuse which causes fear and limits day to day activities in the area where they live e.g. not using local facilities, shops and amenities, too afraid to go outside their home.

#### Group 5

**Medical mobility – Level Access properties** - The applicant (or household member moving with applicant) has a **medical mobility** condition which would be substantially improved by rehousing, or where rehousing would substantially reduce the risk of physical injury or worsening of the condition. Also, where the applicant's present home makes essential activities of daily living difficult. We will review medical priorities every six months and counsel applicants who have not used their medical priority.

Applicants with a non-mobility medical but do require ground floor or level access accommodation they will be awarded a Group 5 priority.

#### Group 6

**Under-occupation** – Where applicant is a Cube tenant and wishes to move to a smaller property and has one or more bedrooms not required.

#### Group 7

**Sheltered Housing** - The applicant will usually be aged 60 or over and have been assessed as needing some housing support services. Exceptions to the age criteria can be considered where there is a need for housing support.

#### iv) Number of Bedrooms

While Cube has an undersupply of larger homes with 2 or more bedrooms, it is necessary to give priority to households who would make best use of the properties available and to avoid under occupation. Households will be able to request house sizes as shown in the table:

Household Type	Bedsit	1 Bedroom (according to size)	2 Bedroom (1 double & 1 single)	2 Bedrooms (2 Double)	3 Bedrooms (1 Double 2 Singles)	3 Bedrooms (2 Double 1 Single)
Single person	✓					
Single person or couple		✓				
Couple or Parent(s) and 1 child or 2 single adults i.e. brother and sister.			✓			
Couple or Parent(s) and 1 child or 2 children sharing where the children are the same sex up to (and including) the age of 15 years OR where the children are of different sex the eldest child is under 10 years of age.				✓		
Couple or Parent(s) and 2 children where the children are of different sex and one is 10 years of age or over.					✓	
Couple or Parent(s) and 3 children where 2 children of the same sex are sharing up to (and including) the age of 15 years or where children of different sex are sharing the eldest child is under 10 years of age.						✓

When someone in the household is pregnant, their need will be assessed to include accommodation for the child.

Applicants with access responsibilities for a child or children will normally be considered for one bedroom more than required for their usual household, regardless

of the number of children.

Similarly, applicants who require a spare bedroom for an overnight carer, medical equipment or where sharing a bedroom is not possible for medical reasons can be considered for one bedroom more than required. Supporting evidence would be required in all of these circumstances.

When someone is under occupying a property and will be adversely affected by a reduction in Housing Benefit due to under occupation and they will be in financial hardship then priority will be awarded when selecting applicants under our Internal Transfer quota. Priority in selection will be as detailed within the House Lettings Procedure document under Section 25 – Point vii – Select Applicant.

The Head of Housing has discretion, in exceptional circumstances, to allow under or over occupation of properties, for example providing an extra bedroom when there are no applicants who would make best use of the property size. Also, over occupation may be allowed, where there is no prospect of a suitable house size becoming available from any local social landlord within a reasonable timescale. This discretion applies where a move to the smaller property would offer a significant improvement in quality of life and would not amount to statutory overcrowding as defined in the Housing (Scotland) Act 2001. Other requests for over or under occupation of properties can be considered as Special Cases (see section 10).

#### v) **Sheltered Properties**

Due to the specialist nature of services provided a separate criteria is necessary for these types of properties.

Sheltered Housing is normally allocated to elderly people but exceptions, at the discretion of the Association, can be considered if there is a need for housing support. Housing Support can benefit people with poor mental health, physical disability or other community care groups.

#### vi) **Assessing Medical Need**

Applicants or those whose household includes a person who is sick or disabled, has mobility problems or has access difficulties and whose condition, circumstances or quality of life would be significantly helped by rehousing will be assessed for Medical Priority. This will be processed using a Medical Self Assessment Form, which will take account of good practice.

## 4. **LETTINGS PROCESSES**

While we take a consistent approach to assessing and prioritising needs, for practical reasons, we use a variety of letting processes

### i) **Cube Choice**

- General Lets. - Most of our houses are let when we advertise available properties and then registered applicants express an interest in them. The home is offered to the person who needs it most. This is Cube Choice and registered applicants are placed in a priority group to reflect their housing need.
- Sheltered Housing. Cube provides homes in which specialist partners provide warden and alarm services to the tenants. We also make these available through Cube Choice. The most important aspect of our assessment of need is whether older applicants, and occasionally younger people who are disabled or have other support needs, will benefit from the services our partners can offer. Thereafter, we also take account of their priority group.

### ii) **Some homes are not let through Cube Choice, these are “Selected Lets”**

- **Local Authority Nominations/Referrals.** We have agreements with several local authorities to work closely together, so we can help them tackle homelessness and maximise access to all social housing in an area. The nomination agreements take into account local variations which are agreed by both parties and approved by the Management Board. Where the agreement stipulates 50% lets to the local authority we advise them of up to half of all Cube vacancies in their area which is normally every second vacancy, and invite them

to nominate or refer suitable applicants from their own housing lists. If the local authority is unable to provide suitable nominees then the property will be let through Cube Choice and recorded as identified to the local authority for nomination as allowed for within the Nominations Agreements.

- **Specially designed Supported Housing.** For properties that have been designed and provided in partnership with local authorities for particularly vulnerable people, including hospital discharge programmes, we have agreed that residents will be identified by the local authorities and nominated to Cube. All prospective tenants will be nominated in this way until the house or room is let.
- **Decants and Demolitions.** Our tenants who have to leave their home while it has emergency repairs, is improved or demolished get extra priority for suitable alternative housing, so we will sometimes reserve new or empty houses for them, as agreed in advance by the Management Board.
- **Special Lets.** So we can work in partnership with special support providers, including, for example, charities that support young people or those with learning difficulties, or with agencies commissioned to house asylum seekers and refugees, or to provide student housing; the Management Board may decide from time to time to designate particular houses, groups of houses or quotas in an area, as detailed in local lettings plans (Section 11).
- **Sensitive Lets.** We always reserve the right to work with other experts to identify appropriate properties for people who need careful management or supervision, for example some ex offenders or sex offenders, in which case we will not route their applications through Cube Choice. The Head of Housing has authority to approve these lets which will reflect the applicant's assessed housing needs in every other way.

Sensitive lets may also apply as part of a local lettings initiative in certain geographically defined areas, where we need to depart from our main house letting policy to meet specific local aims. Local lettings initiatives which may include sensitive lets are subject to approval by the Management Board.

### iii) **First come First Served**

We are committed to a flexible approach to letting less popular properties. If such a property has previously been advertised and received no expressions of interest at all then it may be advertised as First Come First Served.

First Come First Served properties will be clearly labelled in the advertisement. These properties will be made available to the first applicant to express an interest in the property, provided they are registered with the Association and their household meets the advertised property criteria. Under occupation by one bedroom may be allowed.

In order to encourage demand for difficult to let properties these may also be subject to Local Letting Plans (Section 11).

### iv) **Responding to Housing Applications**

Within 10 working days of receiving a housing application form we will write to the applicant to:

- Confirm that the application has been placed on the Housing Register, the date on which this was done and the unique reference number;
- Confirm the applicant's priority Group priority;
- Advise how their housing need has been assessed, including requests for supported accommodation;
- Request further information or action from the applicant if this would help their application (e.g. if the application form is incomplete or unsigned);
- Provide information about how to appeal against the assessment or Group priority awarded;
- Advise on other housing options which are open to them, and;
- Give guidance on how to bid, including on how we can assist more vulnerable applicants to bid, and on what to expect next as their application proceeds.

**v) Confidentiality and access to personal information**

All information provided to the Association by applicants will be kept confidential and used only for the purpose of assessing housing need and applying this policy and letting procedures.

The Association will require the applicants' consent before obtaining or providing information about them from or to other agencies (for example, requests for tenancy reports from current or previous landlords).

The Association will comply with the Data Protection Act 1988. This means that applicants have the right to ask and to be told what personal information the Association holds about them. This right applies regardless of whether the information is held on paper or in computerised records. Individuals should note that there may be an administrative charge for the provision of copies of information, but only if there is a significant cost to the Association in providing these. The charge will be limited to a maximum of £10.

Applicants also have the right to request access to their personal information, subject to the conditions contained in the Act, and to have any incorrect information amended.

**vi) False, Misleading or Withholding Information**

The Association expects applicants to provide full, accurate and up to date information regarding their application for housing. If an applicant knowingly and deliberately worsens their own, or their household's, housing circumstances, in order to be perceived as being in greater housing need the Association will not increase the assessment of need and will continue to apply the previous assessment, for a period of six months and the applicant will be advised of their right to appeal. Any decision to reduce this period will be balanced against the consequences of applying the lower assessment of need.

Where a tenancy has already been granted on the basis of deliberate misinformation, Cube reserves the right to take action to recover the tenancy. The Association will base its decision on the degree of falsification, which will be balanced against the consequences of the tenancy being recovered and the applicant will be advised of their right to appeal.

**5. REGULAR REVIEW OF THE HOUSING REGISTER**

We will also carry out a regular review of the Housing Register.

Once an application is placed on the Housing Register, the applicant is responsible for advising the Association of any changes in their household circumstances, in line with the declaration in the Housing Registration Form (the application form).

We will contact all applicants on the register once a year and ask them to tell us if any of their circumstances and requirements have changed so we can review their assessment of need. We may also make earlier contact with those who have made no recent bids for available suitable properties. We will respond in writing within 10 working days; to confirm the outcome of the review and to provide information on assessment, housing options, appeals and next steps, as we do for new applicants.

We will usually carry out the review by letter and we expect applicants to respond to us within 28 days. After that we will send another letter warning that we will cancel the application unless a response is received within 14 days. We will make every effort to identify people who may need extra help to complete the review and to assist them with it.

**6. SUSPENSIONS AND CANCELLATIONS**

Cube is committed to open access to the Housing Register and will not unreasonably suspend applications. Suspended applicants will remain on the register and be treated as all other applicants in relation to information, advice and review except that they will not be eligible for a tenancy or new tenancy (transfer) while suspended. Information obtained in previous tenancy references may be used to identify criteria subject to suspension.

**i) Suspensions**

Applicants will be advised of their suspended status, the reason for this, action required to have this removed and how to appeal. An application may be suspended or any offer of housing withdrawn if:

- An applicant, spouse or in some cases a member of the persons household has been evicted, or a Court Decree has been granted from a previous Cube, any other RSL or local authority tenancy for antisocial behaviour within the last five years. Similarly, if the applicant, spouse or a member of their household is or has been subject to an Antisocial Behaviour Order obtained by Cube, any other RSL or local authority. Two to Five years must have elapsed before the person can be considered for an offer of housing. (See House Letting Procedure document 2-1)
- An applicant is the subject of a tenancy reference which states that the applicant, spouse or in some cases a member of the person's household is currently or has recently caused what our own Antisocial Behaviour Policy would consider serious antisocial behaviour which can include relevant criminal convictions (i.e. relevant to a tenancy or community safety). This will be on the basis of clear evidence. A period of six months must elapse before the person can be considered for an offer of housing.
- An applicant, or transfer applicant, owes money to Cube, any other RSL or local authority for rent arrears or another tenancy related debt (e.g. rechargeable repairs, or housing benefit overpayment) that is equivalent to more than one month's rent for that tenancy and no repayment arrangement has been kept to for at least three months. Proscribed debts older than five years will be disregarded. However, the Head of Housing may take account of individual circumstances and housing need when considering suspension for debt, e.g.; applicants who are experiencing domestic abuse will not have their application suspended as a result of a debt for the house they are leaving. They will be required to make an affordable arrangement with their landlord/former landlord to repay the debt.
- An applicant or any member of their household threatens or verbally or physically abuses any member of staff or management board member and is warned or charged by the Police.
- Association tenants on the Housing Register will be automatically suspended when they make an application to purchase their current home using the Right to Buy.

**ii) Removing Suspension**

Cube is committed to minimising suspensions and each case will be reviewed monthly in the case of debt and six monthly in the case of antisocial behaviour and applicants advised of the outcome of the review. All correspondence to applicants will detail what action can be taken to end the suspension, particularly in regard to debt related suspensions.

In the case of antisocial behaviour such cases can also be reviewed where the applicant provides clear and substantiated evidence that they no longer pose a risk.

**iii) Cancellations**

Cube will remove an application from the Housing Register:

- When the applicant requests removal – usually in writing.
- When the Applicant dies.
- If we are reasonably satisfied that the applicant is no longer at the address given on the Registration Form, e.g. correspondence from us is repeatedly returned "gone away"
- When the applicant has not responded to correspondence regarding the periodic review of their application and has not responded within 28 days to the subsequent warning that their application will be cancelled.
- The Head of Housing has the delegated authority to reinstate Registrations which have been cancelled where good cause for reinstatement can be shown. In such instances reinstatement will be from the original date of Registration.

- All suspended and cancelled applicants also have the right of appeal to the Head of Housing Services, and further recourse to our Complaints Procedure.

#### iv) **Incomplete applications**

Incomplete applications are those where an interim housing needs assessment has been made and a Group 1 priority. This will happen when applicants do not provide all of the required information in the application form. We will tell applicants quickly about how they can refine their application and potentially increase their priority Group when we place them on the Housing Register. These applicants can bid for vacant properties but will need to provide missing details before they are granted a tenancy or new tenancy. Details of how we manage incomplete applications are outlined in our procedures.

Incomplete applications will be monitored regularly and included in the annual review to check if circumstances have changed.

### 7. **TRANSFERS FOR CUBE TENANTS**

Cube is committed to meeting existing tenants' needs in an effective and flexible way. In recognition that tenant's personal circumstances may change or further housing needs might not be met in their current property, we will identify an annual quota of our vacant properties to be made available for transfers. Any tenant of the Association can register and bid for a transfer to an advertised property.

Their application will be subject to the same conditions of access, assessment and acceptance as other applicants. The Management Board will determine the percentage of properties to be made available for transfers, based on an analysis of transfer needs and the effect of a quota on applicants in other needs categories. The outcomes of this approach and the quota will be monitored and reviewed on an annual basis by the Management Board.

### 8. **MUTUAL EXCHANGES**

Tenants who wish to swap their home with another tenant from Cube's stock or from another Registered Social Landlord or Local Authority can apply for a Mutual Exchange. This is mentioned in the Scottish Secure Tenancy Agreement. Such exchanges will be actively encouraged as they can relieve pressure on internal transfers and promote better use of the Associations stock, minimise void loss and void repairs.

We normally permit mutual exchanges subject to the following terms and conditions:

- Exchanges must have the full written consent and approval of the appropriate landlords before taking place;
- We must be satisfied that both parties have conducted their tenancies in a satisfactory manner and that neither of the parties is in rent arrears and that satisfactory rent accounts have been maintained;
- An exchange will only be permitted where the households are reasonably appropriate to the size of houses exchanged. Normally one person less than the intended occupancy will be allowable. Incoming parties should not overcrowd the accommodation they intend to move to, nor severely under occupy it, and;
- That the outgoing tenants leave the properties in a satisfactory decorative condition and without any outstanding repairs that is the tenant's responsibility.
- The Association is satisfied that the exchange is in the interests of community safety.

Permission to exchange will not normally be granted in the following circumstances:

- Where the property is designed, or has been adapted, for a physically disabled person and if the exchange took place, no such person would be living in the property.
- The property is one of a group which is let to people with special needs, and a special care facility is provided close by in order to assist the tenant and if the exchange took place there would be no person with special needs living in the property.
- A "live" legal notice has been served on the applicant by the landlord.

- In exceptional circumstances and as part of agreed inter-agency cooperation on sensitive applications, where the Association is advised by the police or other relevant agency that the exchange would not be reasonable or advisable on the grounds of community safety.

## 9. TENANCY CHANGES

### i) Succession to tenancy

Succession to tenancy can only occur where the tenant has died and a qualifying successor i.e. an individual whose only or principle home at the time of the tenants death was the house, applies for the rights to succeed to the tenancy of that house. The details are outlined in our Scottish Secure Tenancy Agreement.

On the death of a tenant the tenancy may be inherited by one of the following people in the following way:-

#### a) **Level One**

- Tenant's spouse (including civil partners) and co-habitee provided he/she occupied the house as their only principal home at the time of the tenant's death.
- A joint tenant, if the house was his or her only or principal home.

#### b) **Level Two**

If no one qualifies at Level One, or a qualified person does not want the tenancy, it may be inherited by a member of the family as long as:

- He or she is aged at least 16
- The house was his or her only or principal home at the date of death

#### c) **Level Three**

If no one qualifies at Level One or Level Two, or a qualified person does not want the tenancy, it will be inherited by a carer as long as:

- He or she is aged at least 16
- the house was his or her only or principal home at the date of death
- He or she gave up another only or principal home before the death of the tenant
- He or she is providing, or has provided, care for the tenant or a member of the tenant's family (household)

If more than one person qualifies for the tenancy at Level One, Two or Three they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide.

If the house was designed or substantially adapted for a person with special needs, no person will qualify under level two or three unless that person has special needs requiring the type of accommodation in the house. If a person would have qualified but for this paragraph, we will make other suitable accommodation available.

Current legislation allows for the tenancy to be inherited twice. However Cube will consider each case on its merits, and may seek approval to grant applications for the tenancy from persons who would otherwise have qualified if it were not for the restriction in legislation.

### ii) Declining a Tenancy

An individual who is entitled to succession may decline the tenancy by giving notice in writing within 4 weeks of the tenant's death.

Where there is a qualified person and that person declines the tenancy, the tenancy shall pass to any other qualified person in the order of succession rights as outlined at 9.i). Where there is only one qualified person and that person declines to accept the tenancy he/she must vacate the house within 3 months of the date of the notice

declining the tenancy. The person is liable to pay an occupancy charge equivalent to the rent that becomes due after the tenant's death for the rental period in which they occupy the house.

### iii) **Voluntary Changes In Tenancy**

A voluntary change in tenancy occurs where the tenant wishes to relinquish the rights and responsibilities of the tenancy and vest those rights and responsibilities upon another member of the household for example, joint tenancies, sublet, lodger, or otherwise. In accordance with legislation any requests for voluntary changes must have the written consent from the Association.

The Association considers requests for the voluntary change of tenancy of a tenancy from spouse (including civil partnership), co-habitee or joint tenant, as detailed in the Scottish Secure Tenancy Agreement.

Applications in respect of a voluntary change in tenancy are individually considered, with approval of the tenancy change at the discretion of the Tenancy Services Manager.

The person wishing to voluntarily change their Tenancy should write to the Tenancy Services Manager detailing:

- The details of the proposed change including who they want to sub-let or give up possession to, take as a lodger AND
- The amount of rent and any other payments (including a deposit) they propose to charge AND
- When they want the change to take place AND
- In the case of sub-letting or taking in a lodger, the tenancy/occupancy terms on which they intend to sub-let or take in a lodger.

In the case of joint tenancies both applicants must apply in writing.

We will only refuse consent if there are reasonable grounds for example:-

- we have served a notice on the applicant warning that we may seek eviction on certain grounds because of their conduct
- we have obtained an order for their eviction
- it appears that they propose to receive a payment or an unreasonable rent or deposit
- the proposed change would lead to the criminal offence of overcrowding
- we intend to carry out work on the house (or the building of which the house forms part) which would affect the part of the house connected with the proposed change.

### iv) **Assignment Of Tenancy, Subletting and Lodgers**

Where a tenant wants to assign, sub-let or otherwise give up to another person part or all of his or her house, or take in a lodger, he/she must have our written consent. Details are included in the our Scottish Secure Tenancy Agreement.

Assignment occurs when a tenant intends to leave the house and wishes to convey all rights and obligations of the tenancy to another individual.

Assignment of a tenancy is applicable only in certain circumstances and the formal consent of the Association is required as detailed in the Scottish Secure Tenancy Agreement.

An assignment can only be considered where the house has been the assignee's only or principal home throughout the period of 6 months. The Association will grant permission for assignment of a tenancy normally only in the following circumstances:

- Assignment must have the formal written consent of the Association.
- In the event of marital breakdown where the departing spouse/co-habitee/civil partnership provides written agreement to an assignment in favour of the remaining spouse/co-habitee.
- In the case of a joint tenancy where one of the parties wishes to relinquish the tenancy in favour of the remaining tenant.

- Where a tenant is leaving the area and wishes to assign the tenancy to a son or daughter, who requires to remain in the area to continue in employment, assignation of the tenancy will be at the discretion of the Tenancy Services Manager and may only be permitted where the size of the accommodation is appropriate. Normally a standard of one person less than the intended occupancy will be allowable.

Where assignation is approved the new tenant acquires the rights and obligations of the previous tenant from the date the assignation of tenancy is granted. The new tenant (assignee) is not responsible for any breach of tenancy conditions or existing rent arrears for the period before the assignation.

The Association will not unnecessarily withhold permission for an assignation, subletting or taking a lodger unless there are reasonable grounds for doing so.

## 10. RESTRICTIONS FOR CUBE STAFF, BOARD MEMBERS & THEIR FAMILIES

Cube will comply with the statutory restrictions on the granting of all tenancies, including transfers and mutual exchanges to employees and former employees, Management Board Members and former Board Members and their close relatives. We will help applicants to identify whether these restrictions affect them in our registration forms and guidance and we will apply our Procedure on Payments and Benefits (Previously Schedule 7). Any tenancy granted to a relevant person will meet the following criteria:

It must be demonstrated that their entitlement fully meets the criteria in this published Allocations policy;

The applicant will have no involvement in or influence over the letting process;

The Management Board will approve the granting of the tenancy and this will be recorded in the minutes of the meeting;

## 11. LOCAL LETTINGS PLANS

The aims of local lettings plans are to contribute to the creation and sustainability of balanced communities in particular localities, while still giving reasonable preference to people in housing need. In approving such plans, the Board will be satisfied that variations are reasonable and likely to address measurable community issues. The aims of local lettings plans will reflect the particular circumstances of the area concerned. These may include:

- Increasing accessibility to housing for households with lower levels of need, or allowing over/under occupation of properties where popularity is decreasing, to encourage community stability;
- Encouraging new residents with a range of life and employment experiences, to create diversity in an area where an over concentration of households in particular circumstances is having a negative impact;
- Sustaining local communities and associated social networks, e.g. encouraging applicants who would make best use of special local facilities and services.
- Local lettings plans may include annual targets and quotas to be achieved by the variations allowed. Local lettings plans will be prepared in consultation with the local community, and potential residents where possible. Where local lettings plans operate, applicants will be advised of the variations in the property advert.
- The outcomes achieved by Local Letting Plans will be monitored and the plans reviewed by the Management Board annually.

## 12. REVIEW OF DECISIONS & COMPLAINTS

Our guidance and correspondence will inform applicants that if they are dissatisfied with any decision made in the letting process that they will be able to discuss their case with a Housing Officer who will seek to resolve their query informally. If, after this review, they are still unhappy with any decision made, they will have the right to complain in accordance with our complaints policy. Complaints will be accepted in writing, email, or verbally.

The applicant may also request a review of their Group giving details of why they want the review and will provide any other information they wish to be considered. If the applicant

requires help, staff will offer every assistance to ensure that there is no hindrance to a review taking place.

Reviews will be carried out by an independent senior officer from the Association who was not involved in the original decision. A decision will either be made to overturn or support the original decision. The applicant will be informed, normally in writing, of the decision within 14 days of receipt of the request for a review. The reply will contain the decision made, the reasons for the decision and the facts taken into account when making the decision.

### **13. OPENNESS & ACCOUNTABILITY**

#### **i) Delegated Authority to Staff & Management Board**

The Management Board, through the Head of Housing and their staff is responsible for implementing this policy and monitoring the outcomes and for reporting the outcomes to the Board. Where staff have discretion in the application of this policy, it is within the spirit of Cube's commitment to fair and open access and within the limits set out in the procedures.

#### **ii) Monitoring & Publicising the Outcomes of the Allocations Policy**

The Management Board will receive regular reports on properties let and the categories of housing need which have been met. The Management Board will receive an annual report on how well the policy is meeting its objectives. General outcomes will be published regularly for stakeholders in appropriate places. Details will include, e.g. the number of bidders for each property type, the priority Groups held by and the application dates of the successful applicants.

#### **iii) Taking Account of Customers' Views**

Cube acknowledges that the rules we use to let our houses are of great importance to many of our customers and we are committed to listening to people who could be affected by them and taking account of their views. We will collect feedback and views from people who have applied for housing with Cube; those who have been housed and those who have not. We will monitor the issues raised by those who appeal and use the complaints policy for indications of trends or recurring items. Any small changes we can make to respond to these issues will be considered by staff and Board as they arise. The Allocation Policy and process will be subject to regular formal review in line with our customer participation strategy.

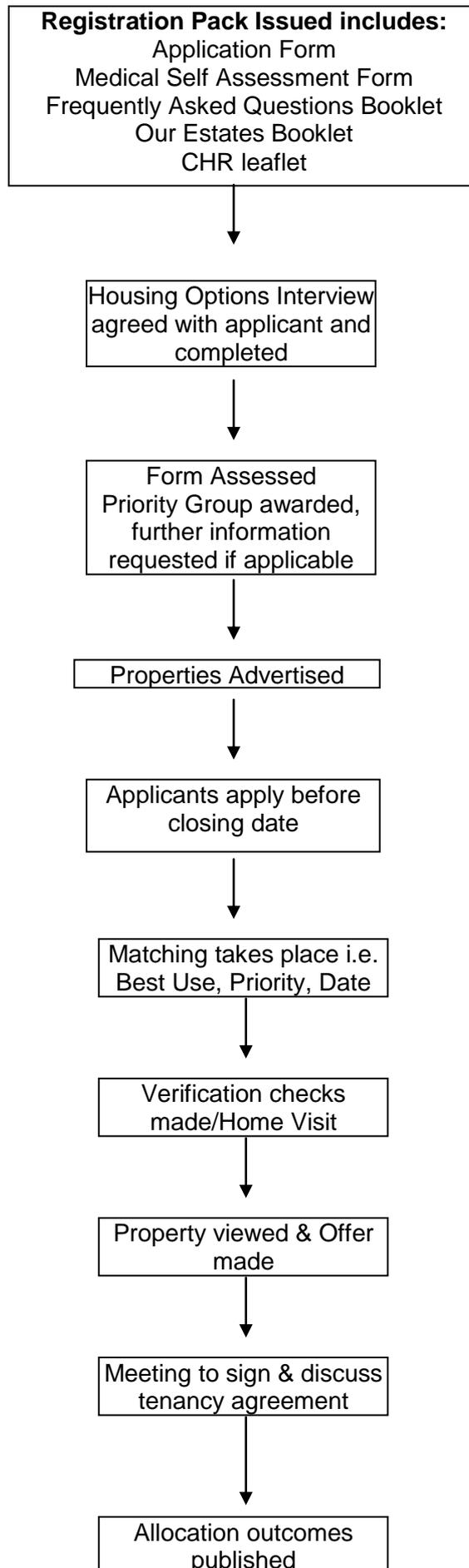
#### **iv) Policy Review**

The Management Board will review the Allocations Policy every three years. The next review is due in June 2016.



## **Appendix 1 - Overview of the Process**



**OVERVIEW OF THE PROCESS**



## **Appendix 2 – Risk Assessment**



**CUBE HOUSING ASSOCIATION LIMITED  
OPERATIONAL RISK ASSESSMENT  
POLICY: LETTINGS**

Date of next Review December 2011 by Head of Housing Services

<i>Risk category</i>	<b>Hazards</b>	<b>Risks</b>	<b>Likely frequency</b>	<b>Severity</b>	<b>Control Action</b>	<b>Tick if in place</b>	<b>Action on risk occurring</b>
<b>Professional</b>	High Voids	Loss of rental income	Medium	Medium	Allocations Policy	✓	Lettings Plans
	Low Demand	Security costs	Medium	Medium	Audit trail	✓	Review Policy & Procedures
	Reputation	Non-compliance	Medium	High	Staff Training	✓	Training Plans to incorporate induction and refresher courses
<b>Financial</b>	Loss of rental income	Unable to meet commitments	Medium	Medium	Quarterly review	✓	Lettings Plans Regeneration
<b>Legal</b>	Non-compliance with legislation	Legal challenge	Low	Medium	Allocations Policy	✓	Review Policy & Procedures
		Non-compliance equal opp's	Low	High	Internal Audit	✓	Review Policy & Procedures
<b>Physical</b>	N/A						
<b>Contractual</b>	False information given	Repossession required	Low	Low	Statement in application from Procedural checks	✓	Repossession Review Procedures
<b>Technological</b>	IT Failure	Increased letting times	Low	Medium	Maintenance contract	✓	Seek alternative contractor Disaster Recovery Plan
<b>Environmental</b>	N/A						

**David MacKenzie  
June 2013**



## **Appendix 3 - Occupancy Guidelines**



**OCCUPANCY GUIDELINES**

<b>Household Type</b>	<b>Bedsit</b>	<b>1 Bedroom (according to size)</b>	<b>2 Bedroom (1 double &amp; 1 single)</b>	<b>2 Bedrooms (2 Double)</b>	<b>3 Bedrooms (1 Double 2 Singles)</b>	<b>3 Bedrooms (2 Double 1 Single)</b>
Single person	✓					
Single person or couple		✓				
Couple or Parent(s) and 1 child or 2 single adults i.e. brother and sister.			✓			
Couple or Parent(s) and 1 child or 2 children sharing where the children are the same sex up to (and including) the age of 15 years OR where the children are of different sex the eldest child is under 10 years of age.				✓		
Couple or Parent(s) and 2 children where the children are of different sex and one is 10 years of age or over.					✓	
Couple or Parent(s) and 3 children where 2 children of the same sex are sharing up to (and including) the age of 15 years or where children of different sex are sharing the eldest child is under 10 years of age.						✓



## **Appendix 4 – Equality Impact Assessment Form**





### Equality Impact Assessment Form

Policy/Strategy – being assessed	House Letting Policy
Department	Housing Services
Person(s) responsible for assessment	Sandra McLeod
Date of assessment:	
Is this a new or existing policy?	Existing Policy
1. Briefly describe the role of the policy/strategy being assessed	
This policy sets out the rules that we will use to let our houses.	
2. Who are the main Stakeholders in relation to the function?	
Customers:	
Internal: Housing Services team, Regeneration team, Board and Committee members, Group partners	
External: applicants, existing tenants, homelessness teams, local authorities, support agencies.	
3. Who has been consulted as part of this EIA? What types of consultation were carried out?	
Internal: staff and Group partners	
External: Registered Tenants Organisation, Register of Interested Customers, Customer Service Forum	
4. Could the function have a differential impact due to race, gender, age, disability, sexuality, religious belief, or any other grouping covered by Equality legislation? If yes, please outline why/ in what ways discrimination could occur. ?	
Yes, there may be language barriers, literacy issues, support issues. Individuals may not be aware or unable to access adverts in the Evening Times, or access website. As the onus is on the applicant to bid for properties they may have difficulty in understanding in the process and their responsibility.	
5. What solutions will be introduced to overcome these adverse impacts?	
We are members of "Happy to Translate". We have promoted Choice Based Lettings in a variety of websites and press agencies i.e. Evening Times, Big Issue, Lennox Herald, PAITH Calendar, Able Magazine. Website information regularly reviewed. In the application form we ask if support or translation services are required, in addition to asking them if they have an identified person who provides support to them.	
6. Which Action Plans/Policies have these solutions/strategies been transferred into?	
Service Plans incorporate tasks to review leaflets, access and services in terms of equalities. Website information regularly reviewed. IT reports to be developed to assist in collating the information.	

**Signed off by Manager: David MacKenzie**  
**Date to be reviewed: June 2016**

**Date: June 2013**