



## **HOUSING ALLOCATION POLICY**

**February 2023**

The Allocation Policy sets out how Aberdeenshire Council (herein referred to as the Council) carries out its statutory duty of allocating houses based on an assessment of the housing need of applicants. The Allocation Policy operates a Choice Based Lettings approach allowing applications to register an interest on properties which match their needs in areas they wish to live. This policy details how this process works, how housing need is assessed and how allocations are made.

In order to comply with its statutory duties, the Housing Allocation Policy refers to and considers the following legislation:

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Housing (Scotland) Act 2014
- Homelessness etc (Scotland) Act 2003
- Code of Guidance on Homelessness (2019)
- Equality Act 2010
- Humans Rights Act 1998
- General Data Protection Regulations 2018

In the development of this policy, the following guidance was also incorporated:

- Social Housing Allocations Practice Guide (2019)
- Legal Framework for Social Housing Allocations – Statutory Guidance for Social Landlords
- Statutory Guidance on Suspensions
- Rapid Rehousing Transition Plans
- Scottish Social Housing Charter
- Local Housing Strategy

With due regard to performance, the Council applies the following standards: -

### **1 Access to Housing**

We ensure that people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify routes into housing.

### **2 Lettings**

We let houses in a way that gives reasonable preference to those in greatest housing need; makes best use of available stock; maximises choice; and helps to sustain communities while positively impacting on homelessness in Aberdeenshire.

### **3 Quality of Accommodation**

When we arrange temporary or permanent accommodation, we treat all applicants fairly and appropriately in terms of tenancy provision, quality, re-lettable standards and location.

### **4 Equal Opportunities**

In the operation of this policy the Council will not discriminate against any person because of age, religion and belief, sexual orientation, disability, sex, gender reassignment, race, pregnancy or maternity, marriage or civil partnership.

The Allocation Policy is underpinned by general conditions (Appendix 1) and procedures to ensure its consistent application across Aberdeenshire.

#### Consultation

Consultation for this review has included online questionnaires and mini public events. Current applicants, former applicants and tenants were consulted alongside other stake holders and elected members. A second wave of consultation took place in July 2020 on the proposed policy before being presented to elected members for comment and approval.

The Council have agreed that the next full review of this policy will be in April 2024 unless any changes in legislation are enacted before then.

#### Access and Eligibility

The Council's Allocation Policy is written in accordance with Sections 19-21 of The Housing (Scotland) Act 1987: as amended by The Housing (Scotland) Act 2001 and The Housing (Scotland) Act 2014.

Applicants for the provision of housing held by the Council will be admitted to the housing list provided they are 16 years of age or older.

With regard to houses in Council ownership, or through nomination agreements with Registered Social Landlords (RSL) who provide housing in Aberdeenshire, the selection of tenants or nominees ensures that reasonable preference will be given to those who can demonstrate a housing need including: -

- homeless persons and persons threatened with homelessness and who have unmet housing needs;
- people who are living under unsatisfactory housing conditions and who have unmet housing needs; and
- tenants of houses which are held by a social landlord, which the social landlord selecting its tenants considers to be under occupied.

Applications may be accepted from persons from countries within and out with the EU provided there are no immigration restrictions and the applicant has recourse to public funds.

#### The Council's Banding Scheme

An applicant will be placed into a banding based on their housing need. Applicants will be assessed against a standard matrix (Appendix 2) to decide what band they will be placed in. An applicant can be awarded a number of need factors appropriate to their housing need. The greater the 'need' a housing applicant has, the more likelihood they have of being allocated housing.

Applicants can also apply for Sheltered Housing or Very Sheltered Housing subject to eligibility criteria. (Appendix 3)

Applications where Aberdeenshire Council have accepted a duty to rehouse as defined in Part II of the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003 will be placed in Band A.

The allocation of a vacant property will be based on housing need and the choices of the applicant, such as letting area/s, and property size communicated through a Choice Based Lettings approach.

The components of the policy are: -

- a) General Conditions (appendix 1)
- b) Banding Scheme (appendix 2)
- c) Sheltered Housing and Very Sheltered Housing Allocation Criteria (appendix 3)
- d) Exemptions to adding additional areas for applicants in Band A (appendix 4)
- e) Mutual Exchange Procedure (appendix 5)

## **APPLICATION, SELECTION AND NOMINATION PROCEDURE**

Applicants will be required to apply for housing online. Where they are unable to do so, assistance will be provided. Following completion of the application form, the application will be verified. We aim to process the application within 28 days to allow the applicant to actively register an interest on vacant properties. This could extend if further information is required..

As part of the application process, applicants will be required to select areas in which they wish to be considered for housing. This will not prevent the applicant registering an interest on properties out with these areas, but the information will be used in the following circumstances:

For strategic purposes and to inform housing need and demand.

To provide nominations to RSL partners where the applicant had stated they wish to be considered.

To allow Officers to manage the Auto-Register process (see below) for those who require rapid rehousing.

Applicants who are awarded a Band A and have the highest priority for rehousing will automatically be considered for a range of settlement areas, these areas will include a main settlement as well as surrounding settlements (See Appendix 7).

If an applicant is unable to consider specific areas for rehousing due to exceptional circumstances, they will have the right to request an exemption (Appendix 4). Where an exception is granted, it may mean that the council doesn't have the required size/type of property but the applicant will still be given assistance to find somewhere to stay. Because of this if the applicant needs to stay somewhere where the council can't help quickly enough, we will work with them to look at all housing options in the area including helping contacting private landlords and offering help with deposits. If this is still not successful, we will need to look at other locations or the applicant will need to resolve their own housing situation.

Applicants with a Band A priority do have the right to register an interest via our Choice Based Lettings system however, in order to meet the Scottish Government's Rapid Rehousing Transition Plan, the Council can make the applicant a direct offer of a property if they have not bid, as long as the property reasonably meets housing need. A property offered could be a flat or a house with or without a garden and with any heating type. There will be no choice offered.

In the event, a Band A applicant has not been made an offer of permanent accommodation within 6 months in the range of settlement areas selected on their application, then consideration will be given to an offer of a property anywhere in Aberdeenshire which matches the household size and requirements for rehousing.

When a council property becomes available for let, the property will be advertised online. The advert will hold details of the property including:

- Address
- Size and Type
- Rental Costs
- Council Tax band
- Photos/floor plans (where available)
- Local Facilities
- Any other relevant information (i.e. adaptations, lettings initiatives)

Each advert will be open for viewing online. Applicants should register their interest before the closing date displayed on the advert. Where an applicant doesn't have access to the online system, lists of properties can be emailed. The applicant will also be able to Auto-Register (see below) to ensure that they are able to register for vacancies.

### **REGISTERING AN INTEREST PROCEDURE**

Registering an interest should be done online by the applicant. Where the applicant doesn't have access to the online system, assistance can be given by housing options staff.

Alternatives to registering an interest online are

- Contact dedicated telephone line
- Get help from friends/family
- Email request for interest to registered
- Auto-register

Applicants will be allowed to register an interest on as many properties as they wish provided, they match their requirements.

Adverts will specify which applicants can apply for the vacancy i.e. where the property is adapted to suit particular needs clients, the advert will only allow those with this need apply. Applicants will only be able to register an interest in properties that relate to the size of their household.

When selecting applicants for specially adapted properties, consideration will be given to the recommendations of the Housing Occupational Therapist or other health professional.

The Council reserves the right to withdraw any property from an advert in cases where the property is required for an urgent housing case.

## **AUTO-REGISTER**

Auto-Register is a method to enable a register of interest to be placed for an applicant without the need for them to physically do it themselves.

Applicants can opt into this service when they apply. This means that any property that matches the selected areas and property size will be bid against.

Offers made by auto-register will be deemed as suitable unless evidence can be provided to support otherwise (see reasonable offer section 8.6)

### **Allocation**

After the advert has closed, the waiting list will be assessed and the applicant with the highest need will be offered the property. Where two applicants have the same priority, the applicant who submitted their housing application first will be offered the property. Where the applicant at the top of the list has not been made the offer, clear reasons for bypassing will be documented. Allocations will be made in line with allocation quotas and targets.

Applicants will be advised after they register an interest, that if they do not hear back from the housing service within 5 working days, their application has been unsuccessful.

### **Nominations to other Housing Providers**

The Council has nomination rights to a percentage of vacancies which arise in Registered Social Landlord (RSL) stock. When a request for a nomination is received the council will nominate a number of applicants in accordance with the selection procedure outlined above and the specific requirements of the RSL.

The Council will also make nominations for mid-market rental properties in accordance with agreed selection criteria set out for each development.

### **Transfers**

Transfers provide current tenants the opportunity to move to alternative accommodation where they have the need to do so. Allocations will be made to this group proportionally.

### **Mutual Exchanges**

Tenants are encouraged to consider an exchange of housing with other tenants as a means of meeting their housing needs. There is a procedure that details how this scheme is operated (Appendix 5). In principle, the council will agree to an exchange taking place if specific criteria are met and the exchange does not result in the housing circumstances of either party becoming worse.

**1 Records**

Data will be processed in line with the Data Protection legislation including General Data Protection Regulations and Data Protection Act 2018. Information on how this is carried out and applicant's right will be provided at point of application in a Privacy Statement.

**2 Equality**

Where a cohabiting, engaged or married couple apply, any eligibility requirements may be satisfied by either partner.

**3 Equal Opportunities**

In the operation of this policy the Council will not discriminate against any person because of age, religion and belief, sexual orientation, disability, sex, gender reassignment, race, pregnancy or maternity, marriage or civil partnership.

**4 Change in Circumstances**

Applicants are required to give notification immediately of any change in family circumstances, change of address or any other change, which may affect their housing application. This should be done by updating the housing application or by contacting the Housing Options team.

**5 Review of Applications**

All applications for housing will be reviewed annually in the month of the original application. The applicant will be invited to confirm the relevant details held about their application and to confirm their wish to remain on the waiting list. Failure to do so will result in the removal of the application from the waiting list. Applicants will be sent the review letter or email and those that do not respond will be issued with a reminder. Failure to respond to the review letter or email and the reminder, will result in the application being cancelled and they will be advised in the reminder that this is the last contact about the application. Applicants can reapply at any time.

## 6 Size of Accommodation

Single Person	1 bedroom
*Single Person or Couple where pregnancy confirmed	1 or 2 bedrooms
*Couple with no family resident	1 or 2 bedrooms
Family with one child	2 bedrooms
Family with two children of the same sex both under 10 years of age	2 bedrooms
*Family with two children of the same sex with either one or both aged 10 years or over	2 or 3 bedrooms
*Family with two children of the opposite sex both under 5 years of age	2 or 3 bedrooms
*Family with two children of the opposite sex with either one or both aged 5 years or over	2 or 3 bedrooms
*Family with three or more children dependent on ages or sex	3 or 4 bedrooms

Note 1: It should be noted that the categories of size of accommodation as indicated by an asterisk \* above, provide applicants with a choice of property size. However, if applicant chooses the larger property, they may only be entitled to a banding for the smaller property. In these cases, applicants may bid for properties in either or both size categories.

Due to changes in housing benefit and universal credit entitlement the number of bedrooms an applicant has in their property will affect the amount of Housing Benefit or Universal Credit housing element they are entitled to if they are of working age.

This equates to a 14% reduction in Housing Benefit or Housing element if the applicant has one bedroom too many, and 25% if they have two or more bedrooms too many.

Therefore, although there are some exemptions, generally all of the categories marked with an asterisk above provide the option of a property larger than what has been determined by the government as an adequate size.

Applicants can request more information on this at time of application as this situation is being regularly reviewed and changed.

Note 2: A relative or friend intending to reside with the applicant's household will require a separate bedroom.

Note 3: The Occupational Therapist or other health professional may direct that a person is to have a separate bedroom on medical grounds.

Note 4: Couples will include those living together as co-habitees.

Note 5: Applicants with residential contact with a dependent child or children may be considered for larger accommodation but will only be entitled to one additional bedroom irrespective to the number of children covered by the access agreement. Due to the shortage of housing stock and to ensure the best use of the property, the priority for the authority is to provide suitable sized accommodation for households where the child or children lives with the applicant on a permanent basis.

In areas where low demand exists applicants may be offered accommodation larger than the sizes indicated above.

## **7 Amendments to the Policy**

The Policy may only be amended by resolution of the Aberdeenshire Council's Communities Committee.

## **8 Suspension from Offer of Housing**

In some cases, an applicant may be suspended from receiving an offer of housing. The Council will ensure that suspensions from the waiting list are kept to a minimum, however the list below covers circumstances when this would be considered, how long the suspension period would be for and action applicants can take for the suspension to be removed.

Evidence must be obtained and recorded to support the decision to suspend an application. This can only be used to suspend the application once and cannot be used to add additional time to the suspension period without new evidence being provided.

In all of the cases below, the Housing Manager has discretion to waive or vary any condition where the circumstances of the case justify it and are exceptional.

## **8.1 False Information**

Where an applicant deliberately gives false information, or knowingly withholds relevant information in relation to an application it shall be suspended from receiving offers for a period of up to 12 months.

If an allocation has been made prior to the discovery of false information that allocation shall be considered to be null and void. Where a tenancy has been created, prior to the discovery of false information, the Council shall take such steps as considered necessary to repossess the house. Any new application will be suspended from the waiting list for a period of 12 months.

## **8.2 Outstanding Debts**

Any applicant who owes rent, rechargeable repairs, or any housing debt to a local authority, a Registered Social Landlord or to a private landlord, may not be considered for a tenancy.

In cases where the amount outstanding is not more than 1/12<sup>th</sup> of the annual amount payable (or which was payable) by the applicant to the landlord in respect of the tenancy consideration will be given for the allocation of housing.

Consideration will be given to applicants with housing debt where the Applicant has an agreed arrangement with the landlord for paying the outstanding liability; is continuing to make such payments in accordance with that arrangement for at least 3 months; and the repayment agreement reflects that the total debt will be cleared within a reasonable period. Please refer to the Council's Re-housing with Debt policy for further details.

Applicants will not be considered for a tenancy until they meet one of the criteria above.

## **8.3 Unsatisfactory Tenancy**

Any applicant whose present house is in a neglected, unclean or damaged condition or garden is in an unkempt condition will not be considered for a tenancy until the situation is rectified and monitored over a reasonable period. The monitoring period will normally be for 3 months but may be longer depending on the circumstances of the individual case.

## **8.4 Anti-Social Behaviour**

An applicant may be suspended due to antisocial behaviour for 12 months and must be supported by evidence from a professional source confirming the applicant has been investigated and found to have acted anti-socially. Appropriate evidence may include police reports or previous tenancy checks from former landlords and must be robust. Before any applicant is suspended under this criteria, it must be agreed and signed off by the Head of Service.

Antisocial behaviour is defined as:

*‘an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance. Conduct in this context includes things which a person has said as well as physical actions’.*

A course of conduct must involve antisocial behaviour on at least two occasions. This could include being antisocial in the locality of the house they live in, pursued a course of action such as harassment or acted in an antisocial manner to staff of the Council.

### **Eviction due to Anti-Social Behaviour**

Applicants who have been evicted for anti-social behaviour may be suspended from receiving an offer of accommodation for 12 months from the date of eviction. An individual’s circumstances will be taken into account before suspending an application.

Applicants who have been evicted for anti-social behaviour in the preceding three years, or where a member of the applicant’s household is subject to an Anti-Social Behaviour Order, may be considered for the allocation of a Short Scottish Secure Tenancy for a period up to 18 months. This may lead to a secure tenancy where the Housing Manager is satisfied that the tenancy has been conducted in a satisfactory manner.

## **8.5 Previous Convictions**

An applicant may also be suspended from receiving offers if they have been convicted of using a house or allowing it’s use for immoral or illegal purposes or where the offence, punishable by imprisonment, was committed in or in the locality of a house they have occupied.

The Council will consider the nature of the crime and whether this had an impact on people living in, or in the locality of the house prior to placing the applicant on suspension.

## **8.6 Evictions and Abandonments**

An applicant may be suspended where they have been evicted from a previous tenancy or have abandoned a previous tenancy in the last three years.

Where an eviction has taken place for rent arrears, the suspension time will be as detailed at 8.2. If the eviction was for Anti-social behavior, the suspension time will be as detailed at 8.4 or 8.5.

Suspension periods for those who have abandoned a previous tenancy could be up to 6 months, however the circumstances will be taken into account.

## **8.7 Worsening of Housing Conditions**

If it is found that an applicant purposely changed address or acted otherwise to fraudulently worsen their housing circumstances in an endeavour to obtain an increase in priority, such additional priority will not be awarded for a period of 6 months from the date of which the change was reported.

## **8.8 Reasonable Offer**

If an applicant on the waiting list is to be considered for housing the Council will make one reasonable offer of accommodation (this will include an offer received from another RSL as a result of a nomination by the Council) taking into account what the applicant has applied for, the size of the property required and the availability of property in the applicants area/s of choice and any medical need. This will also apply if an applicant has bid and has subsequently been offered a property via *These Homes* and then chooses to refuse it.

If an applicant decides not to accept a nomination to a mid market rent property this will not be taken as a refusal.

## **8.9 Refusal of an Offer**

If an applicant refuses one offer of a property which they have registered an interest on, the application will be suspended for 6 months. The Council will determine what is a reasonable offer taking into account the criteria detailed in paragraph 8.7 above and the reasons for refusal. Following the completion of the suspension period, the applicant will be reinstated and able to register and receive offers.

## **9 Household Composition**

In order to determine the composition of an applicant's household, for the purpose of assessing the priority in relation to any application the following shall be disregarded: -

Any member of the household:

Who is a hospital patient and who is unlikely in the opinion of NHS or Health Professional to be discharged; or

Who is serving a prison sentence longer than 13 weeks; or

Who is a child under the care of a Local Authority and who is unlikely to return to live with the applicant.

## **10 Homeownership**

Where an applicant currently owns a property, housing need will not be taken into consideration unless:

- the owner cannot secure entry
- where occupying the property will lead to abuse from someone living in the property
- where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere
- where occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by the applicant to prevent that danger

Where the applicant cannot secure entry to a property, requires to carry out work to ensure the property is at a tolerable standard or requires major works to be carried out, the Council will consider offering a SSST on a temporary basis until the housing need can be met by re-occupation.

## **11 Reviews**

Any applicant who is not satisfied that his/her application is being dealt with in accordance with the Council's Allocation policy may request a review of any decision taken by a delegated officer regarding his/her application. Requests should be made in writing within 21 days to the Team Leader. Similarly, a request for review may be made against any decision taken by the delegated officer using discretionary powers.

## **12 Joint Tenancies**

Married couples, co-habitees and single persons sharing accommodation will normally be granted a joint tenancy. A joint tenancy ensures that all parties are jointly and severally responsible for all tenant obligations including the payment of rent.

## **13 Management Transfer**

The Housing Manager will have the discretion to transfer a Council tenant on management grounds, following Housing Managers approval and only in situations where it is in the best interests of all concerned that a tenant is transferred with minimum delay. This discretion is only to be exercised in exceptional circumstances and where it promotes the best use of the housing stock. Please see Aberdeenshire Council's Management Transfer Procedure.

## **14 Transfers to Smaller Property**

Tenants be allowed to partially downsize to a property that they will still under-occupy but to a lesser extent e.g. from a 3 bedroom to a 2 bedroom in order to free up family sized accommodation and to provide for best use of housing stock. The transfer will be through the award of under-occupation priority and will be at the discretion of the Housing Manager who will require to be satisfied that the resultant vacant property can readily be re-let to a household that will fully occupy the accommodation.

## **15 Local Lettings Initiatives (LLIs)**

Local Lettings Initiatives may be used for new build schemes to create sustainable communities. Allocations made, must still comply with legislation. Agreed criteria for LLIs is detailed below and will be kept under review to ensure best use of housing stock:

- Allocations will continue to be based on housing need.
- Allocations will ensure best use of stock with specific emphasis on Particular Needs clients. Those suitable for specially adapted properties will be given priority.
- A higher quota of internal transfers will be considered. This would allow resulting vacancies to be relet (using existing quotas), meeting the needs of 2 households through the letting of one new development.
- Allocations will be made to applicants who have indicated the area as their first area of choice as stated in their housing application form. Their banding level would then be considered with the aim of supporting sustainability of mixed communities and to prevent high number of refusals.
- If all above principles have been exhausted, the remaining vacancies will be allocated as per quotas.

- The LLI will only apply to the initial let for new build properties. Subsequent vacancies will be allocated as per defined targets.

## **16 Complaints**

Where an applicant wishes to make a complaint about any aspect within the Allocation Policy, they should be informed on how to do so.

Initial complaints can be made to the Team Leader or by using the formal Council complaints procedure.

## **17 Quotas and Targets**

Allocation quotas and targets will be set to ensure all applicants can be made an offer of housing, where they have the need for it. Quotas will be set and continually reviewed and will include those assessed as statutory homeless, those on the general needs waiting list and transfer applicants. Targets will be based on housing need and demand information.

Information will be reported annually to the Scottish Housing Regulator and reported through the Annual Report on the Charter.

## **18 Monitoring**

In order to monitor and evaluate the standard of this service, key performance indicators have been identified. Regular monitoring reports are produced which inform the ongoing assessment of the service and the Council's drive for continuous improvement in services.

This will ensure:

- the proportion of applicants bidding at any one time compared with the whole list.
- the proportion of applicants in various categories (for example homeless) who are not bidding and reasons for not bidding.
- whether those with protected characteristics are joining the list, are placing bids, and are having success in finding a home;
- the effectiveness of the support to apply for housing that is available for those who need it;
- the proportion of properties going to applicants who are homeless and in the other reasonable legal preference;
- whether tenancies are sustained longer through CBL than they did under a previous system; and
- satisfaction levels of those who are successful through a CBL system and those who been unsuccessful so far.

**Housing Allocations Policy  
Mainstream Priority Banding Matrix**

Need Factor	Band A	Band B	Band C	Band D	Evidence
<p><b>Housing Needs Assessment</b></p>	<p>Extreme need for accommodation to enable discharge from hospital where previous accommodation is unsuitable or unavailable to return to.</p> <p>Or</p> <p>Due to functional ability, it is no longer possible for the individual to remain in their current accommodation</p>	<p>Able to access facilities in the current accommodation but with considerable difficulty and this is likely to get worse in the short term due to their impaired functional ability.</p> <p>Or</p> <p>Current accommodation is a substantial risk to the health and safety of the applicant or others and rehousing would be of benefit.</p>	<p>Able to access facilities with some difficulty but this is not having a major or adverse impact on the health and safety of the applicant or others.</p> <p>Or</p> <p>Current accommodation is a potential risk to the health and safety of the applicant or others and rehousing would be of benefit</p> <p>Or</p> <p>Some difficulty with access to the property but it is suitable inside.</p>	<p>Functional ability may minimally improve with a change of property.</p>	<p>Assessment by Council's in house staff assisted by housing OT, H &amp; SCP and other professionals using housing needs assessment procedure.</p>

Need Factor	Band A	Band B	Band C	Band D	Evidence
<b>Unsuitable Accommodation</b>  <b>(includes Overcrowded and Under-Occupied Accommodation)</b>	Social housing tenants from Aberdeenshire who are under-occupying by 2 bedrooms or more.	Social housing tenants from Aberdeenshire who are under-occupying by one bedroom			Northgate database along with tenancy reports for RSL tenants
	Overcrowded as lacking two or more bedrooms		Overcrowded as lacking one bedroom		House visit, confirmation from landlord or other agency
	A social housing tenant in Aberdeenshire releasing adapted accommodation where adaptations no longer required and demand exists <b>or</b> where property can be adapted to meet a specific need and existing tenant wishes to move				Northgate database along with tenancy reports for RSL tenants. If appropriate, advice will be sought from the Council's OT service and/or NHS
	A sheltered or very sheltered housing tenant in Aberdeenshire who no longer requires that type of accommodation due to a change in their household support needs.				Communication with the local area co-ordinator and other H & SCP staff  Through communication with housing.
			Applicant is sharing facilities with someone they do not want to move with		Housing Online application
	Applicant is overcrowded and has 4 or more family members excluding applicant and spouse/partner	Applicant is overcrowded and has 3 family members excluding applicant and spouse/partner	Applicant is overcrowded and has 2 family members excluding applicant and spouse/partner		
				Children of the opposite sex who are sharing a bedroom	Housing Online application

Need Factor	Band A	Band B	Band C	Band D	Evidence
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<b>Lack Of  Or  Insecure Housing</b>	<p>Is homeless or threatened with homelessness and owed a duty under the provisions of the Housing (Scotland) Act 1987.</p>	<p>Have no settled accommodation and/or is living at a "care of address"</p>	<p>Living with friends and relatives or in Aberdeenshire Council temporary accommodation and asked to leave within 6 months.</p>		<p>Applicants assessed against the legislation</p> <p>Visit by housing team or environmental health</p> <p>Letter from friend or relative</p>
	<p>Homeless applicant who has been in Aberdeenshire Council placed temporary accommodation for more than 6 months or is no longer occupying Aberdeenshire Council temporary accommodation due to temp duty being fulfilled.</p> <p>OR</p> <p>An applicant who is currently occupying supported accommodation provided by Aberdeenshire Council Throughcare and Aftercare Team for more than 6 months and confirmation has been received through the Youth Housing Forum that the applicant no longer needs this accommodation and is ready to move to independent accommodation.</p>	<p>Homeless applicant who has been in council placed temporary accommodation between 3 and 6 months or is no longer occupying Aberdeenshire Council temporary accommodation due to temp duty being fulfilled.</p> <p>OR</p> <p>An applicant who is currently occupying supported accommodation provided by Aberdeenshire Council Throughcare and Aftercare Team between 3-6 months and confirmation has been received through the Youth Housing Forum that the applicant no longer needs this accommodation and is ready to move to independent accommodation.</p>	<p>Homeless applicant who has been in council placed temporary accommodation between 0 and 3 months or is no longer occupying Aberdeenshire Council temporary accommodation due to temp duty being fulfilled.</p> <p>OR</p> <p>An applicant who is currently occupying supported accommodation provided by Aberdeenshire Council Throughcare and Aftercare Team between 0-3 months and confirmation has been received through the Youth Housing Forum that the applicant no longer needs this accommodation and is ready to move to independent accommodation.</p>		

Need Factor	Band A	Band B	Band C	Band D	Evidence
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<b>Lack Of  Or  Insecure Housing cont.</b>	<p>In supported housing for more than 6 months and capable of sustaining a tenancy and have a local connection to Aberdeenshire.</p> <p>Or</p> <p>Where Aberdeenshire Council has a duty under the Children's Scotland Act 1995 to a young person leaving care who requires to move to supported or independent accommodation</p>	<p>In supported housing for less than 6 months and capable of sustaining a tenancy and have a local connection to Aberdeenshire.</p>	<p>In supported housing for more than 6 months and capable of sustaining a tenancy.</p>	<p>In supported housing for less than 6 months and capable of sustaining a tenancy.</p>	<p>Multi agency assessment. No suitable/affordable alternative accommodation available</p> <p>H &amp; SCP</p> <p>Local connection confirmation.</p>
	<p>In tied or owner occupied* or HM forces accommodation and due to vacate through no fault of own within 3 months.</p> <p>In private rented accommodation. Landlord has issued a valid Notice to Quit and confirmation of repossession has been granted via the First Tier Housing Tribunal. This banding may not be applied if tenants negligence has directly resulted in action being raised.</p>	<p>In tied, owner occupied* or HM forces accommodation and due to vacate through no fault of own within 6 months.</p> <p>In private rented and Landlord actively pursuing re-possession. Valid Notice to Quit has been and where no decision on repossession via First Tier Housing Tribunal. This banding may not be applied if tenants negligence has directly resulted in action being raised.</p>	<p>Currently occupying HM Forces accommodation and no action being taken for re-possession by landlord.</p> <p>Or</p> <p>Servicing a custodial sentence in prison or young offender's institute.</p>	<p>In temporary accommodation provided via Aberdeenshire Council Resettlement Schemes.</p>	<p>Solicitor's letter</p> <p>*Owner Occupied - evidence required that property has to be sold and all steps have been taken to retain the property</p> <p>Army discharge confirmation.</p> <p>Confirmation from First Tier Tribunal of Repossession</p> <p>Evidence of Notice to Quit</p> <p>Confirmation of placement from Resettlement Scheme.</p>
<b>Need Factor</b>	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Evidence</b>

<b>Social/Welfare Need/Local Connection</b>	<p>At serious risk of harm from racial harassment or neighbour dispute</p> <p>Or</p> <p>Violence/abuse or need to be re-housed urgently because of witness/child protection/community safety issues</p> <p>Or</p> <p>Suffered a significant trauma within the property or in the immediate vicinity making it unreasonable to expect applicant to continue to live there</p> <p>Bandings for social welfare can be awarded at discretion of Housing Manager.</p>	<p>At risk of physical or violent harm from racial harassment or neighbour dispute or violence/abuse</p> <p>Bandings for social welfare can be awarded at discretion of Housing Manager.</p>	<p>At risk of non violent or verbal harm from racial harassment or neighbour dispute or violence/abuse</p> <p>Bandings for social welfare can be awarded at discretion of Housing Manager.</p>		<p>Evidence from Police and professional agencies of imminent threat</p> <p>Letter of support from GP/CPN/H &amp; SCP etc</p>
	<p>Extreme level requirement for sheltered housing</p>	<p>High level requirement for sheltered housing</p>	<p>Medium level requirement for sheltered housing</p>	<p>Low level requirement for sheltered housing</p>	<p>*Only applies to applicants who have selected Sheltered Housing. For applicants who select mainstream and sheltered housing banding will only be given to Sheltered Housing Properties.</p>
		<p>Former tenant who by agreement voluntarily or at request of the authority surrendered a previous tenancy (e.g. admission to supported housing, imprisonment)</p>	<p>Minimal support in their present accommodation and the applicant needs a significant level of support from others that could otherwise not be provided.</p>		

<p style="text-align: center;"><b>Social/Welfare Need/Local Connection cont.</b></p>				<p>Currently live in Aberdeenshire</p> <p>Or</p> <p>Support is available in their present accommodation and it would be beneficial to move to another area where additional support could be provided.</p> <p>or</p> <p>Currently live out with Aberdeenshire but need to move to a specific area to retain specialist education or medical facilities, provide or receive support, maintain or take up employment, be near a relative, flee harassment or abuse.</p> <p>Or</p> <p>Leaving HM Forces</p>	<p>Letter from employer confirming employment</p> <p>Confirmation of address i.e. utility bill</p> <p>Letter from Education Facility/Medical Facility/H &amp; SCP/Family</p> <p>Evidence from police or equivalent</p> <p>Evidence from Landlord</p> <p>Application Form</p>
	<b>Need Factor</b>	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>

<b>Unsatisfactory Accommodation</b>	Residing in property that is subject to a Compulsory Purchase or Closing Order				Environmental Services assessment
	Where the property is below tolerable standard and is unfit to live in. This does not apply to Local Authority or RSL properties.	When 3 or more facilities are lacking in the property	When 2 facilities are lacking in the property	When 1 facility is lacking in the property  Or  Where there are minor deficiencies which merits an award.	Inspection by Clerk of Works and/or Private Sector Housing Officer

### Explanatory Notes

**A banding scheme is used to meet the Council's main aim which is to address housing need. It**

- is a scheme which is clear and easy to understand
- ensures that re-housing priority is given to those in greatest housing need
- takes account of the Council's statutory responsibilities
- Presents a local connection priority in order to achieve sustainable communities
- recognises cumulative need within bands.

The bands are designed to distinguish between applicants whose need is an emergency or urgent and those with little immediate need. There is also recognition of the need to make optimum use of under-occupied council stock.

The definitions of need factors for Band A are fairly tight. This is to ensure the rapid re-housing of the most urgent cases and the impact this would otherwise have on temporary and supported accommodation. Applicants in Band A will also be subject to a more robust assessment and a three monthly review to ensure that the needs remain current.

Applicants whose needs have changed will be reassessed and if appropriate placed into a lower band. Applicants can only get one banding award from each line.

### Sheltered Housing Allocation Criteria

The allocation of Sheltered Housing (SH) is covered by the Council's Allocation policy. Applications for SH are assessed on their housing, medical and housing support needs.

Sheltered Housing and Linked Cottages:

- SH allows and enables tenants (usually older people) to live in their own rented tenancy.
- Tenants within SH will have an assessed need for both accommodation and housing support.
- All flats are self-contained but there are communal shared areas for tenants and staff to use.
- Linked cottages on the same campus as the main SH complex are also available. The same housing support service is provided.
- All complexes are user friendly to assist tenants with mobility problems. It will meet wheelchair standards where possible.
- Each complex will have a SH Officer who will provide a daily check on each tenant, should they wish it. Community alarm provides an emergency contact should this be required out with SH staff working hours.

The aim of Sheltered Housing is:

- To allow tenants to live independently with low level housing support provided to assist this.
- The model of SH and housing support respond flexibly with the best use of money available to meet tenants' needs.
- SH provides a tenancy for older people, usually those over 60 who are no longer able to reside in their current accommodation and will have an assessed need and would benefit from housing support.
- Housing support enables tenants to maintain independent living. Housing support does not include personal care however if this is required a Self Directed Support assessment can be requested through Health & Social Care Partnership.

The allocation criteria includes:

- Applicants who are 60 years of age or above and are deemed to be vulnerable in their current accommodation. However younger applicants will be considered depending on their circumstances. Allocation will be further assisted and assessed with the completion of a Sheltered Housing Eligibility Assessment. This assessment will be instigated by the Sheltered Housing Co-Ordinator to further ensure the applicant has an identified need for SH.

- Applicants who refuse to have a Sheltered Housing Eligibility Assessment completed will not be considered for Sheltered Housing.
- Applicants who require more support than what is provided in their current accommodation, for example, a daily visit or call.
- Applicants who have a restricted lifestyle due to the unsuitability of their current housing accommodation and can manage daily living with housing support.
- Allocation of SH properties will be the responsibility of the Housing Service.
- Depending on the applicants circumstances they will be awarded housing, medical and support priority in accordance with the allocation policy.

## Very Sheltered Housing Allocation Criteria

The allocation of Very Sheltered Housing (VSH) is covered by the Council's Allocation policy. Applications for VSH are assessed on their housing, medical and housing support needs. A multi agency panel will agree nominated applications based on the criteria and each applicant's priority and circumstances as set out below.

Very Sheltered Housing:

- VSH allows and enables tenants (usually older people) to live in their own rented tenancy.
- Tenants within VSH will have an assessed need for this type of accommodation and support.
- All flats are self-contained but there are communal shared areas for tenants and staff to use.
- All complexes are user friendly to assist people with mobility problems. It will meet wheelchair standards where possible.
- Each complex has a 24 hour staffing model to provide care and support every day of the year to meet tenants' individual assessed needs. This is inclusive of a meals service.

The aim of Very Sheltered Housing is:

- To maximise the independence of older people and people with a disability or people who are assessed as requiring help and care by providing self contained accommodation with 24-hour care and support tailored to meet individual needs. For example this may include help to get up in the morning, going to bed and daily tasks such as laundry. (Cleaning is not included within tenants flats)
- To enable housing and care services to respond flexibly with the best use of money available to meet tenants' needs.
- To create a housing and social culture that adds to the choice, control, freedom and dignity offered to all tenants to meet individual care needs.
- Provide a meal service within the complex offering lunch and an evening meal.

The allocation criteria includes:

- Applicants who are 60 years of age or above and are deemed to be vulnerable in their current accommodation. However younger applicants will be considered depending on their circumstances.
- Allocation may be further assisted and assessed with the completion of a Single Shared Assessment (SSA) to further ensure the applicant has an identified need for VSH.
- Applicants who have the ability to live independently but require 24 hour support including varying degrees of personal care and housing support.

- Allocation of VSH properties will be a joint Housing and Health & Social Care Partnership responsibility.
- Depending on the applicants circumstances they will be awarded housing, medical and care and support priority in accordance with the allocation policy.

### **Exemptions to adding additional areas for applicants assessed in Priority Band A**

Requests for exemption from having to add additional areas of choice will be considered for exceptional circumstances which following assessment, has been approved by the Team Leader.

#### **Examples of exception circumstances to be given consideration:**

1. Essential medical treatment that can only be accessed within area of choice and no transport readily available to the applicant
2. Sensory impairment which may cause difficulties for applicant if required to move out with area of choice
3. Significant learning disabilities, mental health issues, or physical disabilities which could be exacerbated out with area of choice e.g. where applicant or member of applicant household can only reasonably access services or support within area of choice.
4. Employees of essential emergency services who are required to live within a certain area e.g. retained fireman who are required to live within an area where the travel time to the fire station is no more than 8 minutes

These exceptions are suggested as guidance and cannot cover every eventuality and the Team Leader should assess each request on a case by case basis depending on their individual merits and circumstances.

#### **The procedure for considering these requests is as follows:**

- The applicant or authorised representative will be asked to submit reasons for exemption in writing to the Team Leader.
- Housing staff will log the appeal using the proforma and assess the case and pass to the Team Leader for approval.
- The Team Leader will record the outcome of the request in the proforma and sign and date the form
- The Team Leader will write to the applicant informing them of the outcome of the request within 21 days of the receipt of the appeal
- The proforma will be placed in the applicants file and a copy passed to Information Officer (Housing) for analysis and reporting purposes.

## Procedure for Mutual Exchange (Abbreviated)

All applications for mutual exchange must be processed with applicants being advised of the outcome within 28 days of both forms being received by the relevant Landlord.

1. On receipt of a completed mutual exchange application form it will be processed by the Housing Options Team. All applications will be acknowledged.
2. A check should be made that each family concerned would be moving to a suitable size of property based on the council's allocation policy and in consideration of the DWP's size criteria. Some flexibility on size criteria can be applied providing either of the party's current circumstances are not made any worse and this should be noted. Only permanent members of the household should be taken account of when considering size criteria. If the properties are not a suitable size or type to suit any specific needs, then both parties should be advised that the exchange cannot go ahead.
3. If the properties are suitable sizes for both parties the following checks need to be completed:
  - Property Inspection
  - Rent Check
  - Tenancy Management Check
4. On receipt of all information the application should be approved or declined on the basis of these checks. If one or both applicants have failed to allow the Clerk of Works access to the property or respond to a request for further information within the specified timescale then the application should be declined.
5. The application can be approved if:
  - The property is in good condition
  - The applicant does not owe rent, or rechargeable repairs or any housing debt to the Council or a Registered Social Landlord.
  - Tenancy has been conducted in a satisfactory manner ( confirmed by tenancy report)

If any of the above do not apply the application should be declined

6. The Housing Manager (Options & Homelessness) has discretion to waive or vary any condition where the circumstances of the case justify it and details of this will be recorded as part of the exchange application.
7. If the application has been approved both applicants should be contacted in the first instance for an exchange date to be agreed. They should also

be informed them that they will have to allow access for a electric & gas safety check to be carried out and any contact/access details will be taken and passed onto the Clerk of Works who will arrange for the gas & electrical checks to be carried out before the exchange takes place. Once agreement is reached both parties should be advised in writing.

## **Management Transfers (Abbreviated)**

- 1.1 The Housing (Scotland) Act 2014 states that landlords should '*build flexibility into their allocation policies*'. This includes the use of management transfers for exceptional circumstances where Aberdeenshire Council can allocate outside the normal allocation policy.
- 1.2 A management transfer should only be used in the following circumstances:-
  - It is within the tenant's best interests to move with a minimum delay;
  - Where it promotes best use of housing stock;
  - Only in exceptional circumstances where all other methods have been exhausted;
  - If the tenant is in agreement;
  - The tenant does not have any outstanding housing related debt, unless in exceptional circumstances.
- 1.3 Any of the housing functions can propose a management transfer.

## **Recommending a Management Transfer**

- 2.1 The Housing Officer (or recommending officer) should carry out a detailed investigation to collect and collate all necessary evidence to allow a management transfer to be considered. This should be discussed with the Team Leader.
- 2.2 The Housing Officer should advise the tenant to make an application for re-housing on <http://www.aberdeenshire.gov.uk/housingonline> as soon as possible. A copy of the evidence should be passed to the Options team for consideration when banding the application. An application must also be submitted onto [www.houseexchange.org.uk](http://www.houseexchange.org.uk) at this stage, where appropriate.
- 2.3 Following agreement, the Housing Officer should complete a Management Transfer Request Form (Appendix 1) which should be signed by the Team Leader.
- 2.4 The signed recommendation form should be passed to the Housing Manager for consideration. The Housing Manager should pass a copy of the application to the other Housing Managers (Tenancy Services/Options/Asset Management) for discussion and agreement. This can be carried out via email, however a meeting may be set up to discuss the case. If required, a Housing Occupational Therapist may be invited to join the discussion.

- 2.5 If agreed, the Housing Manager will sign the application form and pass back to the Housing Officer. The Housing Officer will then write to the tenants advising them that the Management Transfer has been approved (Appendix 2)
- 2.6 All agreed cases should be passed to the Team Leader (Options) along with the Management Transfer request form. The Team Leader (Options) should update the application form with this information and place on the management transfer list.
- 2.7 The tenant will also be informed, in writing, if the application has been rejected (Appendix 3). If they are unhappy with this decision, that can submit a formal complaint which will be dealt with through the corporate complaints procedure.

### **Allocation**

- 3.1 Once the tenant has been placed on the Management Transfer list, the usual allocation procedure will commence.
- 3.2 If no suitable allocation has been made within 3 months, the tenant will be placed on autobid. This is consistent with the standard practise for Band A waiting list applicants.
- 3.3 If a tenant feels that they should be exempt from an area of choice, the request for specific area exemption procedure should be followed.
- 3.4 If a tenant currently has housing related debt, they may not be considered for a management transfer. Manager's discretion may be given to applicants in exceptional circumstances or where there has been a repayment agreement in place for at least 3 months, they are continuing to meet payments and the debt will be paid within a reasonable period. If the tenant does not meet this criteria, their application will be suspended from the Management Transfer List for up to 6 months.
- 3.5 Only one offer of housing will be made to any tenant on the Management Transfer list. If the tenant refuses this offer, and cannot provide sufficient evidence that the offer was unreasonable, the application will be suspended for up to 6 months (see suspended application procedure). The tenant will also be permanently removed from the Management Transfer list.

## APPENDIX 7

You can select as many area groups as you wish. Please find which settlements are covered in each group. **Note** that you cannot remove settlements from the group.

Area that can be selected	Settlements covered
Aboyne	Aboyne Ballater Crathie Braemar Logie Coldstone Tarland Torphins Lumphanan Kincardine O'Neil
Alford	Alford Montgarrie Monymusk Muir of Fowlis Strathdon Keig Glenkindie Lyne of Skene Echt Midmar Millbank
Banchory	Banchory Crathes Drumoak Inchmarlo Strachan Kirkton of Durris
Banff	Aberchirder Banff Cornhill Fordyce Gardenstown Macduff Portsoy Sandend Whitehills Alehouseburn Cottages Alvah Durnview Bogroy Crescent Brydock Cottages Cairnrankie Cottages

	Clayfolds Cottages Deveronview Cottages Montbletton Cottages Myrus Avenue Silverhillocks Birkenbog Cottages Hillview, Ordiquill Knockview
Ellon	Hatton Ellon Kinharrachie Newburgh Potterton Tipperty Balmedie Berefold Belhelvie Blackdog Cairnhill Collieston Foveran Auchnagatt
Fraserburgh	Cairnbulg Fraserburgh Inverallochy Lonmay New Aberdour Rosehearty Sandhaven Tyrie Crimond St Combs
Huntly	Cairnie Clatt Rhynie Lumsden Drumblade Forgue Gartly Glass Huntly Kennethmont Largue Ruthven Ittingstone Muiralehouse Terrace Spring Garden Terrace Crombie Terrace

Inverurie	Hatton of Fintry Inverurie Newmachar Insch Oyne Auchleven Leslie Colpy
Kemnay	Kemnay Blackburn Kintore Leylodge
Laurencekirk	Arbuthnott Auchenblae Laurencekirk Luthermuir Marykirk Garvock Fettercairn Fordoun St Cyrus
Mintlaw	Clola Mintlaw Longside Old Deer Stuartfield Fetterangus New Leeds Maud Knaven New Deer Strichen New Pitsligo
Oldmeldrum	Daviot Oldmeldrum Udny Green Methlick Rothienorman Pitcaple Barravale Meikle Wartle Old Rayne Udny Station Pitmedden Tarves Aucheldy

Peterhead	Boddam Cruden Bay Longhaven St Fergus Peterhead
Portlethen	Muchalls Newtonhill Portlethen
Stonehaven	Stonehaven Catterline Kinneff Inverbervie Gourdon Johnshaven Barras Drumlithie Glenbervie Glasslaw
Turriff	Auchterless Cuminestown New Byth Turriff Fyvie Sunnybank Cottages Craigwall Cottages
Westhill	Kirkton of Skene Westhill

## CODE OF PRACTICE

<i>Revision Date</i>	<i>Previous Revision Date</i>	<i>Summary of Changes</i>
<i>April 2021</i>	<i>N/A</i>	<i>Revised Allocation Policy to reflect CBL allocation system</i>
<i>October 2022</i>	<i>April 2021</i>	<i>Revised policy to reflect band A applicant area choices</i>
		<i>Addition to matrix re social welfare bandings</i>
		<i>Update to area groupings</i>

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