



## Lettings Policy

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# 1. Foreword

Allocation, or house letting, is arguably one of the Council's most important services. This is true for a number of reasons. Firstly, lettings practice assists in the development of our communities and our population mix. Effective letting practice, indeed, contributes to the establishment of popular housing estates that are sustainable. On the other hand, it is recognised that poor letting practice can have very bad effects, for example, where it leads to the creation of unpopular and stigmatised housing schemes.

Secondly, the Council is legally required to publish a Policy that deals with housing need. As explained in the Policy, the Council is obliged to give certain households reasonable preference when letting its houses. This is to ensure that those living in the worst housing conditions receive priority.

Thirdly, lettings practice is central to the Council commitment to promote equality for all members of our community; this Policy is thus integral to promoting the corporate Council Policy objective of achieving social inclusion. In addition, this Policy promotes positive action programmes to ensure that services are accessible.

Fourthly, lettings practice is important for financial reasons. Rental income to the Council is substantial and stands at over £1.7 million annually. This money is necessary to enable the Council to provide quality services to its tenants and other service users and other stakeholders. For example, regular income is necessary to provide high quality repair services.

Finally, this Policy has been developed in consultation with our tenants and service users. This is in accordance with our general commitment to tenant participation and to ensure that our services are developed jointly with both tenant organisations and individual tenants.

This document details the Policy and Procedures for the allocation of the Council's rented stock. Currently this document covers its Housing Revenue Account stock, separate arrangements are in place for former Education stock. The Allocations Policy for Housing for Particular Needs is appended to this document. The purpose of the Lettings Policy is to inform applicants and any interested parties as to the method of assessment and selection employed by the Council when allocating its rented housing.

This document has been produced by Housing Services and is intended to ensure that we:

“ Act in a manner which encourages equal opportunities and in particular the observance of the requirements of the law for the time being related to equal opportunities” (Housing (Scotland) Act 2010, Section 39).

In addition we aim to ensure that we meet the Scottish Social Housing Charter's Access to Social Housing outcome and standard.

Social landlords ensure that:

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

This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.

## **1.1. Policy Review**

This policy was originally reviewed in the summer and autumn of 2004 and authorised in December 2004. It was implemented in October 2006 and a further review was conducted after six months' operation. Various reviews have been undertaken since then, most recently it was reviewed in April 2013. It will continue to be reviewed on a regular basis through consultation with tenants and other service users, and the purpose of the review will be to establish whether the policy is being implemented effectively and whether any changes are required. All future Lettings policy reviews will also be published in the tenants' quarterly newsletter, Housing News.

Comments on the policy are always welcome and should be made, in writing, to:

The Head of Housing, Homelessness and Schoolcare Accommodation, Orkney Islands Council, Council Offices, School Place, Kirkwall, Orkney Islands Council, KW15 1NY.

## **2. Introduction**

Orkney Islands Council is committed to creating a system which makes finding a home as simple, straightforward and fair as possible.

It intends to do this by:

- Working closely with Orkney Housing Association Ltd through a Common Housing Register, through nomination arrangements and a Protocol on Section Five Referrals.
- Continuing the implementation of its effective and accessible Housing Advice and Information Strategy to ensure the best possible advice and assistance on housing options.
- Continuing to work closely with the Private Sector Landlord's Forum to enable closer links between private sector and social housing landlords.

This lettings policy has been developed in consultation with tenants and takes account of all relevant legislation including that contained within the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001. In addition it takes account of the Scottish Social Housing Charter" and "Social Housing Allocations: A Practice Guide 2011".

The Council will:

- Ensure that people have fair and open access to our housing list and assessment process and will work with others to maximise and simplify access routes into our housing.
- Let houses in a way that gives reasonable preference to those in housing need, makes best use of the available stock, maximises choice, and helps to sustain communities.

## **2.1. Aims and Objectives of the Lettings Policy**

The Council strives to achieve the following aims and objectives in letting its houses and will:

- Ensure that its Lettings Policy conforms to all relevant legal and good practice guidelines, for example, the Housing (Scotland) Act 1987 (as amended). Appendix one provides a summary of the main legislation and good practice guidance.
- Seek to prevent and alleviate discrimination in lettings practice. This is based on the Scotland Act 1998 definition of equality which covers discrimination on grounds of sex or marital status, racial grounds, disability, age, sexual orientation, language or social origin, or the personal attributes, including belief or opinions such as religious beliefs or political opinions.
- Promote equality and to promote good relations between groups, for instance, between different racial groups.
- Strive to provide good quality accommodation for people in housing need, as well as seeking to have sustainable communities. A sustainable community involves having a broad range of household types from all sections of society. This may include households in housing need such as homeless people, as well as households from different tenures such as tenants and owners. Sustainable communities are places where people want to live and work both now and in the future. In more remote parts of Orkney, strategic agreements may be entered into in order to identify priorities necessary to protect small, fragile communities.
- Endeavour to meet, as far as possible, people's preferences and aspirations. Wherever possible, housing will be provided through the development programme that is adaptable to the changing needs of individual households.
- Ensure that lettings practice is carried out effectively and efficiently to maximise income through reducing the numbers of empty houses. This will be achieved largely through the following methods:
  - By continuing to set clear and comprehensive targets for the completion of repairs and houses being let.
  - By ensuring that lettings can be readily audited through current information systems.
  - By the provision of regular and ongoing staff training programmes.
- Further develop close inter-agency links to meet housing need, for example, through ongoing implementation of the Section Five Referral Protocol and nomination arrangements with Orkney Housing Association to tackle homelessness and other identified needs. Inter-agency partnerships will also be developed to promote equalities. Finally, inter-agency links will be developed to maximise the supply of lettings from all sources.

- Process applications to ensure confidentiality and access to information will be in line with the legal requirements of the Housing (Scotland) Act 1987 and the Data Protection Act 1998.
- Monitor lettings practice through an effective performance management system. Indicators to measure performance will be developed in relation to the Scottish Social Housing Charter and publication of key indicators will be following consultation with service users as part of our Tenant Participation Strategy. Information will be published in the Annual Report, Newsletters and any other form agreed with service users.
- Deal with complaints in accordance with our Corporate Complaints Policy and deal with appeals as set out in Appendix two of this Policy.
- Review our Lettings Policy formally on a regular basis and ensuring this feeds into the review of related documents including the Section Five Referral Protocol.

Amendments will be made as required after full consultation with service users and other agencies. Amendments to our Lettings Policy will be published within 6 months to comply with legal requirements.

## **2.2. Equalities**

The Council is committed to ensuring it meets legal requirements placed on it by section 106 of the Housing (Scotland) Act 2001 which requires that:

- Scottish Ministers and Local Authorities must exercise their functions under the Act in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements.
- In particular the Council will ensure that the needs and circumstances of all relevant groups, including, for example, information for people with disabilities on the availability of suitable houses and adaptations, are taken fully into account.

In producing this document we have considered both equal opportunities and accessibility issues. Therefore this document can be produced in different languages and formats as required for example large print and Braille.

In addition we aim to ensure that we meet the Scottish Social Housing Charter's outcome and standard in respect of equalities.

Social landlords perform all aspects of their housing services so that:

- Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the needs of different customers and delivering services that recognise and meet these needs.

## **2.3. The Common Housing Register (CHR)**

The Council works in partnership with Orkney Housing Association Ltd (OHAL) to provide a single housing register for Orkney. This gives access to all social rented housing within Orkney through completion of a single form.

The CHR aims to maximise access to local housing whilst minimising duplication of effort through use of a single application form, a single register and, where appropriate, shared information.

By completing the Housing Application Form the applicant can choose which of the partners they wish to be rehoused by. The participating landlords let their properties according to their individual allocation policies.

## **2.4. The Lettings System**

The Council lets its houses through a system of priority passes and to join the system applicants must first register by completing the Housing Application Form.

On receipt of the completed Housing Application Form the level of housing need of the household concerned is assessed against the lettings policy. A priority pass is awarded accordingly (if relevant) and the applicant notified of any priority they may have qualified for.

The applicant is then placed on the list, according to their priority pass, for the area(s) they have chosen. Properties are then let according to the rules set out in this document.

The Council believes that it is important that the allocation process is fair and seen to be fair and is determined to be transparent about its lettings policy and procedure. As a result the Council will report against performance on a regular basis and present this information to the Education, Leisure and Housing Committee. This will include length of time to identify and rehouse applicants by house size and priority pass and a determination of the type of housing need which has secured a property in a given area. Further details are provided at Appendix four.

## **3. Registration**

Before an applicant is can be considered for housing under our lettings policy, it is necessary to register and Housing Application Forms are available on request or at the following locations:

- Orkney Islands Council, Council Offices, School Place, Kirkwall, Orkney, KW15 1NY. Telephone: 01856873535. Email: [housing@orkney.gov.uk](mailto:housing@orkney.gov.uk)
- Orkney Islands Council, Warehouse Building, Stromness, Orkney KW16 3AA. Telephone: 01856850262.
- Orkney Housing Association Limited, 39A Victoria Street, Kirkwall, Orkney, KW15 1DN. Telephone: 01856875253. Email: [allocations@ohal.org.uk](mailto:allocations@ohal.org.uk)

In addition application forms are available from the Council's website at <http://www.orkney.gov.uk>. The form should be downloaded and completed as we require a signature as part of the process.



### **3.1. Admission to the Housing List**

Any applicant who is 16 years or over is entitled to be admitted to the Council's housing list. Any applicant can obtain information, advice and a Housing Application form during office hours from the Council's Housing Services. Housing Application Forms can also be downloaded from our website. Assistance in completing this form can be provided on request. The application form can be made available in a range of languages and formats such as large print on request. (Applicants should contact our Housing Management Section).

Households will only be eligible for access to the waiting list for the apartment size that matches their household size in accordance with the rules set out in Section 5.4.

Council properties that have been designated as follows are subject to different arrangements for letting:

- Sheltered.
- Extra care housing.
- Amenity housing.
- Housing designed or adapted for people with disabilities.
- Supported accommodation for people with disabilities.

Only Sheltered Housing and Extra Care Housing are subject to a separate application form which can also be downloaded from our website. Other types of housing referred to above can be applied for by using our general housing application form.

Once the Housing Application Form has been received an acknowledgement letter / email will be sent. This process should normally take up to two working days from receipt of the form. Once the application has been assessed and a priority pass awarded, a registration letter will be issued to provide full details. This letter includes a unique registration number which should be retained. A priority pass should be awarded within a maximum of ten working days.

An unsigned or incomplete Housing Application Form will not be processed but will be returned to the applicant advising what is needed to correctly complete the form.

### **3.2. People out with the United Kingdom**

In accordance with the Housing (Scotland) Act 1987, anyone who is 16 years or over is entitled to be admitted onto the housing list. While we will endeavour to ensure that all applicants are treated equally throughout this process, differences in the law exist as a consequence of the origin of that household.

The Immigration (European Economic Area) Regulations 2006 sets out the qualifying criteria that EU nationals must meet in order to be eligible for housing and homelessness assistance in Scotland. The criteria are based on worker status and economic activity, and are different depending on the country of origin. This structure will be utilised for determining entitlement in relation to this Lettings Policy.

In addition anyone subject to immigration control must declare this on the Housing Application Form and they will require to be assessed in terms of the Housing (Scotland) Act 1987 (as amended) and Asylum and Immigration legislation.

Such applicants may remain on the Housing Register but may be required to provide evidence of status before eligibility for Council accommodation can be confirmed.

### **3.3. Registration Review**

Applicants are required to advise Housing Services of any change in circumstances from the details provided on the initial Housing Application Form.

An annual review of the Register will be undertaken where applicants will be contacted on the anniversary of the application to establish if their situation has altered or whether they wish to remain on the Register. Anyone failing to respond to the Review letter, within one month of its despatch date, will have their Registration cancelled. The Housing Management Section will notify the applicant accordingly. In the event that the applicant appeals this decision they can only be reinstated up to one month from the date of removal. In exceptional circumstances this timescale may be extended.

### **3.4. Cancellation of a Registration**

The Council will cancel a Registration where:

- Correspondence sent by the Council or OHAL is returned because the applicant is no longer at the address given on the Housing Application Form.
- The applicant fails to respond to a written request from either the Council or OHAL for further information necessary to enable processing of the Registration or to determine priority, within one calendar month of date of despatch.

N.B. The Executive Director of Education, Leisure and Housing has delegated authority to reinstate Registrations which have been cancelled where extenuating circumstances exist. In such instances reinstatement will be from the original date of Registration.

## **4. The Assessment Process**

After registration further assessment of the application will be carried out where the applicant has indicated a particular need (e.g. health problems, overcrowding, unfit housing, homelessness, harassment etc), and is able to establish a need to live in the area, as outlined below:

### **4.1. Health Assessment**

If an applicant has indicated a health problem, which is exacerbated by their present housing conditions, they will be invited to contact the organisation which has received the original application form (either the Council or OHAL) so that a Medical Assessment Form can be completed. Their case will be referred to the Housing Medical Adviser who will determine what priority, if any, should be awarded to the case.

## **4.2. Homelessness or Potential Homelessness**

If an applicant has indicated they are homeless, or likely to become homeless within the next two months, they will be contacted by the Homelessness and Advice Section within the Council's Housing Services, so that their housing options can be investigated and a referral made to the Homelessness and Advice Section where appropriate.

## **4.3. Unfit Housing**

If an applicant has indicated they are in unsatisfactory housing the Council will arrange an inspection of the property by an Officer of the Council's Environmental Health Team, who will provide a condition report to Housing Services. Priority may be awarded depending upon the outcome of the report.

## **4.4. Overcrowding**

Overcrowding exists where a household has insufficient bedrooms for its needs. The Council determines the number of bedrooms required as follows:

- A separate double bedroom is required for:
  - Co-habiting parties of the same or opposite sex.
  - Two children of the same sex under 16 years where the age difference is less than nine years.
  - Two children of different sex under eight years of age.
- A separate single bedroom is required for:
  - Any other adult over 16 years of age.
  - Any other child not able to share on the basis of two or three above (for example this may include children with medical issues determined to pose difficulties for other children within the household, or newly formed households with children who are not siblings).

The minimum bedroom sizes are:

- Double bedroom, two person, 10.5 meters squared.
- Single bedroom, one person, seven meters squared.

In assessing whether overcrowding exists:

- Public rooms (e.g. living room, kitchen, hall, bathroom) will be disregarded.

Only permanent members of the household will be counted (exceptional circumstances may apply for example kinship arrangements. (As regards exceptional circumstances referred to above, Housing Services would require supporting information from an appropriate professional for example a Solicitor or Social Worker to support this need.))

- Unborn children will not be counted.

The above section refers to the determination of overcrowding only and should not be confused with the assessment of house size required as outlined at section 5.4.

Please note that when considering a bedsit the accommodation will be considered to contain a double bedroom (provided it is of appropriate size) and therefore will be classified in the same manner as for a one bedroom property. In addition caravans will be treated in the same manner as other types of accommodation with equivalent numbers of rooms.

#### **4.5. Harassment**

If an applicant has advised they are suffering harassment they will be advised to contact the Homelessness and Advice Section of Housing Services to discuss this further and referrals to appropriate agencies will be made accordingly.

#### **4.6. Registered Sex Offenders**

Housing registered sex offenders is subject to the National Accommodation Strategy for Sex Offenders (NASSO) and Multi-Agency Public Protection Arrangements (MAPPA). A separate housing protocol exists in respect of this process. Housing sex offenders must be undertaken in a manner that ensures equality within the supportive arrangements of the NASSO and MAPPA.

#### **4.7. Housing for Particular Needs**

The Council offers housing for those with particular needs. This includes:

- Sheltered housing.
- Extra care housing.
- Supported housing for people with learning disabilities.

Admission onto the relevant waiting list requires completion of a separate application form and often also a medical assessment form. In addition we require a single shared assessment to be completed by an appropriate professional who is involved in the case. This may include a Social Worker, Occupational Therapist or Housing/Homelessness Officer.

A separate lettings policy exists for these housing types and this is appended to this document.

### **5. Selection**

In selecting tenants, the Council will implement a lettings system which ensures that the choices of applicants are taken into account as much as possible and which complies with The Scottish Social Housing Charter and Social Housing Allocations: A Practice Guide 2011.

This is done by reference to the principles of:

- Accessibility.
- Choice.
- Balanced and sustainable communities.

- Equality.

Priority passes will be in the following order:

Platinum, Gold Plus, Gold, Silver Plus, Silver, Bronze Plus, Bronze and thereafter by date order of receipt of the Housing Application.

## **5.1. Choice**

Commitment to individual choice in the lettings process is a core element of Government strategy. For example, in the Green Paper, it is stated that:

“...In the social rented sector there is too little flexibility ...it is right that our policies should work towards giving people the choice they expect in other avenues of life”

(Department of the Environment, Transport and Regions/ Department of Social Security 2000, page five).

A key element of this Policy, then, is to ensure that peoples' choices and aspirations are taken into account in the letting process. Letting houses based on choice is likely to assist in the creation of sustainable communities as well as encourage the best use of the housing stock at local level.

In 2013 a consultation was undertaken to consider whether choice based lettings should be implemented. As a result of the feedback obtained from both applicants and tenants, the Council's Education, Leisure and Housing Committee decided not to progress choice based lettings at this time.

## **5.2 Balanced and Sustainable Communities**

We are committed to making the best use of available stock and using our Lettings Policy to assist in the creation and maintenance of balanced, stable communities. Balanced communities can be defined as communities that are popular and relatively free from nuisance behaviour. Balanced communities will also contain a broad variety of households, including single people, single parent households and family households.

In addition, we recognise that it is important to encourage the development of social and family networks if communities are to remain sustainable. Sustainable communities are places where people choose to live and work both now and in the future. For this reason, the lettings system gives some priority to key workers moving to Orkney for employment reasons and to those needing to provide or receive support. Letting practice also takes account of local connection and local residence issues to enhance sustainable communities, although this complies fully with legal provisions.

In more remote parts of Orkney, strategic agreements may be entered into in order to identify priorities necessary to protect small, fragile communities.

Finally, it is important that lettings are sensitive to how the Policy impacts upon local communities. In order to monitor the effects of the Policy, lettings made will be analysed on a regular basis.

In order to address particular housing issues effectively, we will periodically consider the introduction of local letting initiatives. These initiatives are important as they aim to tackle a range of problems peculiar to local communities and are discussed in further detail at section 5.16.

### **5.3. Equality**

The Local Government in Scotland Act 2003 requires the Council to meet equal opportunity legal requirements, as well as to promote equality. This is also an important part of the Housing (Scotland) Act 2001. In compliance with the Equality Act 2010 we will not unfairly or unlawfully discriminate in lettings practice against people on grounds of:

- Age.
- Disability.
- Gender reassignment.
- Marriage and civil partnership.
- Pregnancy and maternity.
- Race.
- Religion or belief.
- Sex.
- Sexual orientation.

### **5.4. Eligibility - Household Size**

The Council's rules governing the match between property and household size are as follows:

- Single person – one/ two apartment dwelling (bedsit/ one bedroom dwelling).
- Single persons wishing to share – three apartment (two bedroom dwelling).
- Couple – two/ three apartment (not with boxroom as well) (one/ two bedroom dwelling).
- Applicant(s) with one child – three apartment (two bedroom dwelling).
- Applicant(s) with two children – three/ four apartment (two/ three bedroom dwelling).
- Applicant(s) with three plus children – four/ five apartment (three/ four bedroom dwelling).

The list shown above, takes into account the age and sex of children (see section 4.4.) and this accounts for the variation in house size shown. It is normal practice to offer the smaller property required unless in an area of low demand. This is intended to make the best use of the Council's stock.

For applicants with dependent children, experiencing relationship breakdown and requiring accommodation, the Council will provide the parent who has least access a maximum of three apartment accommodation. This is the largest accommodation which will be offered, irrespective of the number of dependent children.

Where a household is composed of a mixture of children who are resident on a permanent basis in the property and other children to whom the household has access, the property size will be determined by the age and sex of the children permanently resident with the addition of a maximum of one other bedroom for access arrangements.

Please note: 'dependent children' is defined at 5.7.9.

In certain circumstances the Executive Director of Education, Leisure and Housing may waive the eligibility rules for instance where a property is in an area of low demand. However, the applicant would be advised of the potential impact of the under-occupancy charge to apply should they require to claim housing benefit.

In determining eligibility the Council considers that:

- A separate double bedroom is required for cohabiting parties of the opposite or same sex.
- Each household member over 16 years of age will be entitled to a bedroom.
- Any child over the age of eight, sharing a bedroom with a sibling of the opposite sex will be entitled to a bedroom.
- In a household where a woman is pregnant the unborn child(ren) will be taken into consideration but will not be counted when determining the size of the house for which the household will be considered. This is also true when considering overcrowding. In these instances a MAT B1 form should be signed by the applicant's GP, confirming the applicant's confinement. A photocopy of this document should be given to Housing Services. When the baby is born it is the applicant's responsibility to notify Housing Services at this stage. At that stage the application will be reconsidered in relation to size of the house needed and any issues with overcrowding.

In certain circumstances, as a result of a shortage of larger accommodation, a household will be considered for accommodation out with the normal eligibility criteria where the move would reduce overcrowding but would not result in statutory overcrowding.

## **5.5. Priority Categories**

Section 20(1) of the Housing (Scotland) Act 1987, as amended, requires that in selecting tenants for their houses, all local authorities and registered social landlords (RSLs) must give reasonable preference to:

- Persons who are occupying houses which do not meet the Tolerable Standard as defined by Section 86 of the Housing (Scotland) Act 1987 and amended by Section 102 of the 2001 Act.
- Persons who are occupying overcrowded houses.
- Large families.
- Persons living under unsatisfactory housing conditions.

- Homeless persons and persons threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 (as amended by the 2001 Act).

Large families are not defined by the Act, however the Council will prioritise these in accordance with overcrowding criteria. In certain circumstances the Council may work in partnership with Orkney Housing Association to meet the households' needs, where a suitable property cannot be sourced from within the Council's own stock.

Unsatisfactory housing conditions are not defined in statute and is sufficiently wide to cover the physical condition of the house and the more subjective aspects of an applicant's circumstances, such as unsatisfactory living arrangements, problems with neighbours etc.

## **5.6. Reasonable Preference**

Refers to the priority given to applicants and means that local authorities and Registered Social Landlords (RSLs), such as Orkney Housing Association, should give due weight to the factors listed above but does not restrict authorities to taking only such factors into account.

Landlords can add other factors such as:

- Housing key workers coming into the area whose presence is considered essential for economic growth.
- Medical priorities – where rehousing would improve the physical or mental health of the household.

In letting its houses, the Council will take no account of any of the following factors:

- The length of time an applicant has resided in our area.
- Any outstanding housing debt not due by the applicant, for example, rent arrears owed by a former partner who was the tenant.
- Housing debt once owed by the applicant that has since been cleared.
- Debt owed by an applicant (or a member of their household) that is not attributable to the tenancy of a house, for example, Council tax.
- Housing debt such as rent arrears that is less than one month of the annual rent payment.
- Rent arrears of more than one month where an agreement to repay is in force and the applicant has made repayments, as well as keeping to the agreement for at least three months.
- The applicant's age unless it is housing designed or specifically adapted for persons of a specific age, for example, sheltered housing, or for persons in receipt of housing support services.
- The income of the applicant and the applicant's family.
- Any property either currently or previously owned by either the applicant or the applicant's family.



Residence out with the Council area will not be taken into account in the lettings process if the applicant:

- Is employed, or has been offered employment in the area (provided the employment meets the criteria of 5.7.8.).
- Wishes to move into the area to be near a relative or carer.
- Has special social or medical reasons to be rehoused in the area.
- Is subject to conduct that amounts to harassment.
- Is facing domestic abuse and wants to move to the area.

In some instances the Council will, therefore, award a priority status and these will be awarded in the following circumstances.

## **5.7. Priority Passes**

There are 12 applicant categories as shown in the tables below.

Applicants will only be awarded a maximum of one priority pass. Where an applicant could be considered for more than one priority pass, they will be awarded the one giving the greatest priority.

Where an applicant qualifies for two priority passes at the same level, this will be upgraded to a point half way between that priority pass and the level above.

Where an applicant qualifies for three or more priority passes at the same level, this will be upgraded to the level of pass above. The tables detail the types of pass available and the criteria which need to be met to qualify for them.

In all situations, except homelessness, the applicant can apply to either Housing Services at Orkney Islands Council, or to Orkney Housing Association Ltd for housing by completing one application form. Each organisation will award priorities in accordance with their own lettings criteria.

In situations where the applicant is homeless or potentially homeless the applicant must present directly to the Council.

For those applicants who were registered under our previous allocations system, prior to 1 October 2003, they will be awarded a bronze pass.

### **5.7.1. Emergency**

#### **Platinum**

Awarded in exceptional circumstances where the existing housing situation is seriously affecting the wellbeing of the applicant or members of the household. The allocation of a platinum pass should be considered by a small panel consisting of the Executive Director of Education, Leisure and Housing, the Head of Housing and Homelessness and the panel should be informed by the Senior Housing Officer (Housing Management) to ensure they have all necessary information and where relevant the Senior Housing Officer (Homelessness and Advice).

### **5.7.2. Homelessness**

#### **Gold**

You have been accepted by Housing Services at Orkney Islands Council as being homeless and unintentionally so / You have been accepted as homeless by another Local Authority and have been referred to Orkney by that other authority.

#### **Silver**

No pass awarded in this category.

#### **Bronze**

No pass under this category.

### **5.7.3. Medical Assessments**

#### **Gold**

The applicant's present housing is completely unsuitable for their medical condition. The quality of the applicant's life is seriously limited and would be greatly improved by moving to more suitable accommodation. Urgent action is recommended.

#### **Silver**

The applicant has a serious medical condition which would be improved by moving to more suitable accommodation.

#### **Bronze**

The applicant has a medical condition which would be improved by moving to more suitable accommodation, but rehousing is not urgently required.

Note: to ensure a consistent and informed approach, evaluation of needs will be assessed by a health or social care professional with qualifications and experience appropriate to the areas of risk/ need identified in the assessment.

### **5.7.4. Statutory Overcrowding**

#### **Gold**

Your present home is short of one or more bedrooms as defined by the Housing (Scotland) Act 1987.

#### **Silver**

No pass awarded in this category.

#### **Bronze**

No pass awarded in this category.

### **5.7.5 Under-occupancy**

This applies to Council tenants or OHAL tenants. The Council operates a Removal Grant Scheme to assist its tenants to move into smaller properties within its own stock or that of Orkney Housing Association. Housing Management staff within the Council will be happy to provide information on the removal grant scheme and demand issues on request.

In exceptional circumstances a higher priority pass can be awarded under the arrangements outlined under 5.7.1. Emergency. This may be done in cases where the Council has a high demand or great need for a particular type of property such as one which has been heavily adapted to meet particular needs and these adaptations are no longer required by the current occupants.

#### **Gold**

By moving to a smaller property you will free up a home with one or more bedrooms surplus to requirements. (This only applies to tenants of the Council and OHAL).

### **5.7.6. Unsatisfactory Housing**

#### **Gold**

You live in housing which has been inspected by an Officer of the Council's Environmental Health Team and found to be below the tolerable standard, and a written report to that effect has been provided to Housing Services. Below the Tolerable Standard is defined in the Housing (Scotland) Act 1987 as amended.

#### **Silver**

You live in housing which you or another member of your household own or rent from a private sector landlord which although not Below the Tolerable Standard, is in a state of serious disrepair, as determined by an Officer of the Council's Environmental Health Team and Housing Services is satisfied on the basis of evidence provided to it that the repairs are uneconomical or impractical. This may include evidence from the Council's Building Control Section.

#### **Bronze**

No award under this category.

### **5.7.7. Unsatisfactory Living Arrangements**

#### **Gold**

No award under this category.

#### **Silver**

A family unit are forced to live apart due to unsatisfactory/overcrowded housing.

A household who although not statutorily over-crowded, has living arrangements which are causing difficulties arising from congestion. For example a family of four occupying a one bedroom property which has caused condensation and resultant health issues.

### **Bronze**

You require two or more bedrooms but occupy accommodation in which you are required to share kitchen or bathroom facilities with people who are not members of your household.

You are part of a couple who have separated but continue to share a property.

### **5.7.8 Specific Need to be in a Community**

At present we have no negotiated Local Lettings Initiatives in Place. (See Section 5.16).

### **Gold**

No pass awarded in this category.

### **Silver**

You need to move into a given area as you have a medical / psychological need and require to access specialist services.

You wish to move into a given area for community or social reasons for example to stimulate local employment or you need to remain in that area for the same reasons.

You wish to move into a given area to give or receive support to/from a relative.

You wish to move into a given area for employment reasons as detailed below.

Alternatively you need to remain in that area for the reasons given above.

### **Bronze**

No pass under this category.

In the case of households moving into the area for support reasons supporting information will be required from an appropriate professional such as a Doctor, Community Psychiatric Nurse, Social Worker or Occupational Therapist and the relevant family member. This information should detail the reasons why the household requires to live in the area.

In the case of those moving for employment reasons a letter detailing the offer of employment is required. The employment should be of a type where a pool of suitable labour would not be available in Orkney/within that area of Orkney and quantifiable evidence to support this will be required from the employer. A pass on this basis is time limited to two years. Please note that this would not be applicable where the employment is subject to a relocation package.

In most cases “the area” would constitute Orkney generally (excluding Kirkwall and Stromness) as on mainland Orkney, or the linked south isles, commuting is normally possible. However, in the case of the outer isles this may be refined to that particular island. This is intended to be a rural or island structure to enable the sustainability of fragile communities.

#### **5.7.9. Service Tenancies/Tied Accommodation**

##### **Gold**

No pass awarded in this category.

##### **Silver**

People in tied accommodation/insecure accommodation provided by their employers, who are forced to leave as a result of unemployment or retirement or health reasons. (Time limited to two years from discharge).

Service personnel who can establish a local connection with Orkney, leaving the services. (Time limited to two years from discharge).

##### **Bronze**

No pass awarded in this category.

Applications can be taken on this basis prior to discharge provided supporting information can be obtained from the Ministry of Defence or equivalent.

It is anticipated that after the passage of the two years term, if the household has not been accommodated by the Council inside that timescale, the household will have made other arrangements which will determine housing need instead.

The Scottish Government has published related guidance which can be found at <https://www.gov.scot/Publications/2009/02/13095130/0>

#### **5.7.10. Relationship Breakdown**

##### **Gold**

No pass awarded in this category.

##### **Silver**

Forced sale and division of matrimonial home where partner determines to sell the home of the partner with principal responsibility for the children.

##### **Bronze**

Awarded in the case of relationship breakdown to the parent with least access to the dependent children of the union.

N.B. Applicants awarded priority in this category will be restricted to a three bedroom (two bedroom) property regardless of the number of dependent children.

(This refers to access arrangements specifically rather than to children who are permanently part of a household on a full-time basis).

'Dependent children' are all children of 15 years or less and all others of 18 years or less who are either receiving or about to begin full-time education or training or are for some other reason unable to support themselves.

#### **5.7.11. Insecurity of Tenure**

##### **Gold**

No pass awarded in this category.

##### **Silver**

Applicants who have been served with valid notice to quit. Notice must be assessed by Housing Services to confirm validity.

Applicants whose landlord has been refused registration or had their registration revoked under private sector landlord registration procedures.

Applicants who are subject to repossession action by their mortgage lender or other creditors with an interest in the property. Case should be investigated by the Housing Services to identify most appropriate housing option.

Applicants who have been served with valid notice to quit on conduct grounds. Notice must be assessed by the Homelessness and Advice Section of Housing Services to confirm validity.

##### **Bronze**

Applicants who have a short term tenancy i.e. short assured tenancy or winter let. Tenancy agreement must be assessed by Housing Services to confirm validity.

Applicants who are lodging with a resident landlord / subtenant (this includes sub-tenants of Council tenants).

Applicants who are living in a hostel or a House in Multiple Occupation.

The above is subject to our normal procedures covering the prevention of homelessness and provision of housing advice to ensure that tenant's rights are maximised. Applicants will be penalised if they deliberately worsen their circumstances in order to obtain a priority for rehousing. This is covered in more detail at 5.7.15.

#### **5.7.12. Corporate Parenting**

##### **Gold**

Applicants who are entitled to throughcare/ aftercare support and who are leaving care. (Please also see our Protocol on Housing and Young People Leaving Care).

### **Silver**

No pass awarded in this category.

### **Bronze**

No pass awarded in this category.

### **5.7.13. Emergent Households**

#### **Gold**

No pass in this category.

#### **Silver**

No pass in this category.

#### **Bronze**

Applicants who are residing with parents / guardians and wish to live independently.

### **5.7.13. Local Connection**

Only those applicants able to demonstrate a need to live in Orkney (please see 5.7.8.), with the exception of those fleeing abuse, whose application is covered by current homelessness legislation, or those assessed as homeless and therefore covered by the current homelessness legislation will be awarded priority for rehousing.

## **5.8. Ranking Priority**

The order of priority is as follows, with the highest at the top.

- Platinum.
- Gold Plus.
- Gold.
- Silver Plus.
- Silver.
- Bronze Plus.
- Bronze.
- Waiting time.

All priority cases will be ranked according to the date of the award (i.e. two gold pass priorities then the earlier date of the award will have precedence). In the event of two or more applications with an identical priority, and identical award or Registration Date, the discretion to allocate the property will lie with the Executive Director of Education, Leisure and Housing.

Where an applicant would be eligible for more than one category of priority then the highest category will apply. Where an applicant qualifies for three or more identical priority passes, one priority higher will be awarded.

### **5.9. Time Limited Priority**

Priority is awarded to reflect the need for urgent rehousing and, as such, priority passes are time limited to 12 months.

Priority passes will be automatically reviewed on an annual basis. However, it is the responsibility of the applicant to notify the Council of any changes of circumstances in the intervening period. Please see section 11 for more details.

### **5.10. Offer of Property**

Our Voids Policy covers the procedures for the return of a property and the process of it being made ready for re-let.

Where a property is deemed to be in an appropriate and safe condition for viewing, an offer letter will be issued to the applicant determined to have the highest level of housing need for a property of that type and in the given area. An 'offer pack' will accompany this letter. This is a document similar to property particulars which provides detailed information on the property including its type, size, location, whether it has a garden, type of heating etc.

The offer letter will provide details of the property and allow two days for the applicant to contact us to confirm whether they wish to view the property (plus two days to cover postage time). Viewing is recommended but not compulsory.

If possible and appropriate the viewing will be arranged while the vacating tenant remains in the property.

After viewing the applicant will have a maximum of three working days to either accept or refuse the property and if applicable the tenancy will begin immediately the property becomes available. The acceptance or refusal form must also be returned.

Please see section 5.11. regarding refusing a property.

### **5.11. Refused Properties**

Applicants with a priority pass who refuse a property unreasonably, may lose their priority pass. Where there is valid reason for refusal, at the discretion of the Executive Director of Education, Leisure and Housing, the priority pass will remain in force.

Where an applicant without a priority pass is offered a property and refuses it unreasonably they may be suspended from receiving offers for a period of 12 months.

The applicant has the right to appeal if they are in any way unhappy with our decision.



## **5.12. No Demand**

Where a property becomes available and there is no expressed demand in the form of a waiting list which meets the specified criteria or qualifying household size we will endeavour to provide an appropriate solution. Initially we will investigate whether a homeless household has a need for a property of the relevant size or type in a nearby area. A nearby area may be a town or village within five miles or so of the property. If a suitable household is identified and the household is in agreement, then the property will be let to people identified as homeless unintentionally with a local connection, in accordance with the Council's legal obligations. A similar situation may apply to households with high levels of other types of housing need.

Where there are no homeless households who require rehousing in that area and no other expressed demand, advertising may be considered. This may be through local newspapers or through the Council's website.

Individual properties and areas will be monitored on a regular basis in order to assess if they are low demand.

## **5.13. Home Visits**

Where a priority pass has been awarded a home visit will, in general, be carried out by a Council Official prior to an offer of housing being made. Notification in writing of the intended date and time of the visit will be given at least three working days in advance. Respect for the applicant's home and privacy will be central to any home visit.

At the home visit the information supplied in the Housing Application Form will be checked to ensure its accuracy.

If details relevant to the application are found to be inaccurate, the priority may be withdrawn.

Where an applicant lives out with Orkney, another housing organisation from the relevant area will be asked to undertake the visit on the Council's behalf.

## **5.14. Personal Information and Confidentiality**

All information provided by applicants is treated in full confidence. Applicants may be asked to give permission for their details to be discussed with other agencies. For example, information may be requested to confirm details of their current housing circumstances.

The Council is registered under the Data Protection Act 1998. Records concerning personal details of applicants and tenants will be processed strictly in accordance with legal requirements.

Applicants have the right to access certain personal data. The Council undertakes to provide this information on request within seven clear working days. There may be a charge for this information.

## **5.15. Worsening of Circumstances**

Where it is confirmed that an applicant has deliberately worsened her or his housing situation in order to obtain an offer of housing, the Council may withhold an offer of housing or remove a priority pass.

Reasons for this decision may include but is not limited to:

- Giving up secure accommodation to move to insecure accommodation.
- Moving to a property which is unsuitable for social or medical reasons.
- Moving to a property which is in serious disrepair or below the tolerable standard.

In order to assess this we will take into account the applicants' previous accommodation and any special circumstances. Where an applicant has been found to have deliberately worsened their circumstances, the Council may suspend their application from the waiting list for a period of 12 months. This would mean the applicant could not be considered for an offer of accommodation during this period.

The suspension would take effect from the date on which they worsened their circumstances. Therefore if this happened in excess of a year prior to the household applying to the Council, their application would not be suspended.

Where an application is suspended, the Housing Management Section will notify the applicant in writing of the reasons for the decision. This letter will also outline the right to appeal and advise of sources of independent advice. Prior to the period of suspension coming to an end, the Housing Management Section will write to advise that the application has been reinstated and the date from which this became effective.

Should the applicant's circumstances change during the period of suspension, their application will be reassessed and the suspension may be lifted if relevant. Equally where a property becomes available in the area of the applicant's choice and there is no demand other than that of the suspended applicant, the suspension may be lifted rather than allowing the property to remain empty. This is at the discretion of the Head of Housing, Homelessness and Schoolcare Accommodation.

Information on appeals can be found at section 10.

## **5.16. Local Lettings Initiatives**

The Council proposes to develop, in consultation with local people, local lettings plans for specific areas (e.g. the North and South Isles).

Setting each local lettings initiative would be subject to an individual committee report and resultant decision. This would focus on key social, economic and demographic issues.

These will have the effect of suspending the usual allocations criteria, as set out in this document, and will be designed so as to address specific local issues (e.g. need to employ key workers or people with specific employment skills thereby assisting in sustaining that community).

Such Lettings Initiatives will take into account the restrictions on residency requirements and the reasonable preference provisions of the legislation and will require to meet both legislative and equal opportunity requirements.

Any initiatives will be carefully monitored and changed in line with changing local circumstances and copies of local lettings plans, once developed, will be available from the Council's Housing Services, and the website.

## **6. Housing for Particular Needs**

The Council has three Sheltered Schemes, one extra care housing scheme for older people and a number of properties with 24 hour staff support for people with learning disabilities.

Separate Lettings arrangements are in place. Vacancies within this stock are let on a slightly different basis based on an assessment of housing need as determined by officers within the Housing Management Section of the Council's Housing Services and an assessment of care needs by officers within Orkney Health and Care. For details of how to apply for Sheltered, Extra Care or Supported Housing please see appendix four.

## **7. Nominations**

The Council has nomination agreements with OHAL whereby a proportion of vacancies are reserved for Council nominees.

Nominations will be drawn from those applicants who have Registered for accommodation through the common housing register and indicated they wish to be considered by OHAL.

Those nominations are selected on the basis of the Council's lettings policy as set out in this document, with priority going to those with the highest priority award.

OHAL will make the final decision on who is offered the property using their own Allocation Policies.

In certain circumstances for example for certain new developments, the Council may have 100% nomination agreement.

In line with the Housing (Scotland) Act 2001 the Council may refer those applicants who are assessed as homeless unintentionally and with a local connection to Orkney Housing Association under a separate arrangement. These arrangements are called Section 5 Referrals and a separate document covering this is in place.

Details of this arrangement are available from the Council's Housing Services and Orkney Housing Association Ltd.

## **8. Mutual Exchange**

Tenants of Orkney Islands Council, Orkney Housing Association Ltd, other local authorities and other RSLs are eligible to exchange property if the following conditions, and those set out in the Mutual Exchange Procedure are met:

- Rent accounts are clear and there must be no breach of any other condition of tenancy (unless exceptional need can be established).
- The properties involved are deemed suitable, by the landlords involved, for exchange. (There will be flexibility granted to the extent of one unoccupied bedroom as a result of the exchange).
- The prior consent, in writing, of the landlords is obtained.
- Each property will be inspected, prior to consent being given, to ascertain its condition. All parties to the exchange will undertake to accept the other property in its present condition.
- Tenants of the Council may be required, where prior inspection identifies unauthorised works, to reinstate the dwelling, at their own expense, to a standard acceptable to the Executive Director of Education, Leisure and Housing. No exchange will be permitted until such unauthorised work has been rectified.
- In consenting to a mutual exchange it is a requirement that all parties to the exchange must reside in their new properties for a period of at least six months.

If the Council is satisfied that a mutual exchange has been obtained by coercion on the part of one of the parties to the exchange then permission will be refused.

Those wishing to exchange should, in the first instance, contact the Council's Housing Management Section for advice and assistance.

## **9. Reasons for With-holding an Offer of Accommodation**

In some instances an offer of accommodation may be with-held as a result of the following issues:

### **9.1. Former Tenant Arrears**

Applicants who have arrears of one month or more rent outstanding in respect of a former tenancy with Orkney Islands Council will not be offered accommodation unless they make an arrangement to reduce the arrears and adhere to this for a reasonable length of time. This would normally be at least three months or twelve weeks.

### **9.2. Current Tenant Arrears**

Current tenants of this Council will not be re-housed where rent arrears of more than 1/ 12 of the annual rent is outstanding unless there are urgent social or medical reasons why re-housing should occur or unless they have set up an appropriate arrangement for repayment and adhered to this for a reasonable period of time.

This may be different if the tenant wishes to move under the removal grant scheme as this would allow arrears to be reduced and future bills to be lower accordingly.

### **9.3. Other**

- If the applicant has knowingly misrepresented information or circumstances at the Registration.
- If the applicant has submitted a Right to Buy application which is pending.

- If there are issues associated with a current Council tenancy which must be resolved.
- Where an applicant, or member of an applicant's household, appears on more than one application and the situation needs to be clarified.

Where any of these circumstances apply any offer of accommodation may be withheld by the Council.

The Council undertakes to advise the applicant, in writing, of the reasons for withholding an offer of accommodation, its duration (where relevant) and what action they are required to demonstrate in order to rectify the situation. In addition the Council will advise how to appeal against this decision and will give details of sources of independent advice.

#### **9.4. Anti-Social Behaviour**

We may with-hold an offer of a Scottish Secure Tenancy (SST) under the following circumstances:

- Applicants who have been evicted within the previous three years for anti-social behaviour from any Local Authority or RSL within the UK.
- Decree for possession of their house has been granted, within the previous three years, on the grounds of anti social behaviour but the applicant left prior to eviction taking place.
- If the applicant, or any member of their household, is or has been the subject of an Anti Social Behaviour Order (ASBO) within the past three years.

Instead we may choose to offer housing under the Short Scottish Secure Tenancy (SSST) regime with a tailored package of support. This aspect is covered in more detail in our policy on the use of the Short SST.

### **10. Appeals**

Where an offer of accommodation is with-held from an applicant, the applicant disagrees with the category of priority pass or their application is suspended, they have the right to appeal against that decision. Details of the appeal system are given in Appendix two.

### **11. Review of Applicants on List and Change of Circumstances**

A rolling review of applications will be undertaken. This means that each application will be reviewed annually on the anniversary of the date the application was registered.

Between reviews, it is the responsibility of the applicant to notify the Council of any changes of circumstances. For instance, the applicant should notify us of any change of address or family circumstance such as the birth of a child. Changes may affect the assessment (priority passes) of their application.

## **12. Publication of Rules**

Section 21 of the Housing (Scotland) Act 1987, as amended by Section 155 of the Leasehold Reform, Housing and Urban Development Act 1993, place a duty upon local authorities to make and publish rules covering admissions, priority of allocation of houses, transfers and exchanges.

These rules are available on the Council's website and at the Council Offices and a free summary of the rules is available on request.

Should you require the document in a different format, for example large print, CD or another language etc the Council will seek to make the necessary arrangements to ensure full access to the information.

## **Appendix One: Law and Good Practice**

In implementing the Lettings Policy, we will comply with the following law and good practice guidance.

### **Law**

- Housing (Scotland) Act 1987.
- Housing (Scotland) Act 2001.
- Housing (Scotland) Act 2006.
- Housing (Scotland) Act 2010.
- Homelessness etc (Scotland) Act 2003.
- Children (Scotland) Act 1995.
- Equality Act 2010.
- Leasehold Reform, Housing and Urban Development Act 1993.
- Matrimonial Homes (Family Protection) (Scotland) Act 1981.
- Management of Offenders (Scotland) Act 2005.
- Protection from Harassment Act 1997.
- Data Protection Act 1998.
- Human Rights Act 1998.
- Asylum and Immigration Act 1999.
- Protection from Abuse (Scotland) Act 2001.
- Local Government in Scotland Act 2003.

### **Good Practice**

Scottish Government: Social Housing Allocations – A Practice Guide, March 2011.

Performance Standards for Social Landlords and Homelessness Functions, as published jointly by Communities Scotland, the Convention of Scottish Local Authorities (COSLA) and the Scottish Federation of Housing Associations (SFHA).

Chartered Institute of Housing Standards.

Codes of practice.

## **Appendix Two: Appeals and Complaints**

### **Appeals**

If an applicant is dissatisfied regarding any decision made in the letting process, they have the right to appeal. Appeals can be raised as follows. This is explained by reference to passes and suspensions.

Applicant should be made aware of their right to appeal and be advised that independent agencies such as the Citizen's Advice Bureau and Advocacy Orkney can assist them with this process if they wish.

### **Passes**

In the first instance applicants should discuss the reasons why they feel their pass is incorrect with staff within the Housing Management Section to ensure all relevant information has been taken into account. If the applicant still remains unsatisfied they should submit an appeal.

Applicants should notify the Executive Director of Education, Leisure and Housing in writing, or verbally, as to the reasons why they feel a pass has been assessed incorrectly. This may include details of any independent agencies they feel may be able to support their application. Where such an appeal is received it will be acknowledged within two working days. Following receipt of the appeal the Executive Director of Education, Leisure and Housing will write to the applicant with his decision within fourteen days.

If it is decided to amend the decision, then the applicant will be notified in writing, and their pass details updated accordingly.

Where the decision is made to uphold the decision to award the same pass, (as determined within the original assessment), the applicant will be notified in writing of this, and of the right to request a further review of the application by the Executive Director of Education, Leisure and Housing. Full details of this process will be made available during the appeals process.

### **Suspensions**

Applicants should notify the Executive Director of Education, Leisure and Housing in writing, or verbally, as to the reasons why the suspension should be lifted. This may include details of any independent agencies they feel may be able to support their application.

Where such an appeal is received, it will be acknowledged within two working days, and the Executive Director of Education, Leisure and Housing will review the entire application within fourteen working days. If the decision is made to lift the suspension then the applicant will be notified in writing, and their application will be reinstated immediately.

Where the decision is made to continue the suspension, the applicant will be notified in writing of this, and of the right to request a further review of the application by the



Executive Director of Education, Leisure and Housing. Full details of this process will be made available during the appeals process.

## **Complaints**

Complaints could be made if applicants feel they have not received the housing to which they are entitled, or service delivery has not been offered in line with Council standards. A copy of the Council's Corporate Complaints Procedure is available on request from the Council office or can be downloaded from our website.

Applicants should note that an independent review of decisions may be available through the Ombudsman if service maladministration has taken place and the complaints procedure has first been used.

This is a free and impartial service and a leaflet giving details is available at the Council offices. The Ombudsman address is:

- Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS.
- Telephone: 08003777330 or 01312408852.
- Fax: 08003777331.

## Appendix Three: Consultation

This policy document deals specifically with the letting of our HRA properties. It is vital to provide efficient services to our tenants and future tenants that are sensitive to the rights and needs of individuals, considerate to their individual situations and yet ensure that we maximise the use of our stock.

The consultation arrangements for this document have been closely intertwined with that of the Advice and Information Strategy, ongoing assessment of the Homelessness Service and our drive to improve our strategic documents to ensure openness and clarity.

The process of consultation has involved:

- A small working group of officers and representatives from Orkney Islands Council have met to discuss how the policy might be developed to balance both the requirement to maximise our tenants' rights and their security of tenure with the pressures of a reducing stock and the increasing duties under the terms of the Homelessness legislation. This also looked closely at the types of housing need in Orkney while considering the social basis and ways of ensuring we addressed this housing need as appropriately as possible.
- A working group of officers from both Orkney Islands Council and Orkney Housing Association Ltd met on a number of occasions to look at the issues outlined above and how the two organisations could work closely together to ensure the best outcome for tenants and prospective tenants while considering the resources available.
- A series of public meetings in different parts of Orkney to apprise tenants of the changes and to assess their views.
- A written communication sent to all tenants and waiting list applicants to assess their opinions.
- An audit of the existing arrangements for lettings and their effectiveness.
- A review of best practice.
- Consultation with Staff.
- Consultation with relevant partner agencies.
- Consultation with national agencies including the Scottish Council for Single Homeless and Shelter.
- Various articles in "Housing News".
- Consideration of service users' feedback on a continual basis.
- Consideration of staff input on a continual basis.

## **Appendix Four: Other Issues**

The Lettings Policy is linked to a number of other important policies within the Council. These range from strategic policies such as sustainability and social inclusion to individual policies such as dealing with empty houses, (void properties) and partnership arrangements with other landlords.

### **Accessibility/Equalities**

The Council is aware that certain groups within society may have more difficulty in accessing information or in progressing their search for a suitable property. In order to counteract this we have developed an Accessibility Policy which ensures that all our printed information can be produced in a range of different formats. This also covers issues of physical accessibility of information.

We also operate an Equalities policy to ensure that we allocate properties in a fair and equal manner. This applies to all our housing services.

In addition we collect and monitor information specific to the equal opportunities and accessibility of tenants and other residents. We monitor this information and continually seek to improve our services to remove any barriers to access.

### **Empty houses**

In order to comply with regulatory standards, the Council monitors demand for houses and strives to keep empty property to a minimum. The Council also makes sure that properties are let to an appropriate standard. These standards are detailed in the Voids Policy.

Properties which have no expressed demand may be advertised to source a tenant rather than allowing rental loss to continue. In situations where there remains no demand after advertising, consideration should be given to the future of the property.

### **Homelessness**

In order to tackle homelessness effectively, detailed policies and procedures have been developed. These policies cover both prevention and elimination of homelessness. An important element of Homelessness Strategy has been the establishment of an Advice and Information Strategy that assists people to secure housing that meets both their need and personal preference.

### **Other rights**

The Council actively promotes tenants' rights and seek to ensure that tenants are aware of their legal rights. Certain rights are connected closely to tenancy issues such as assignation of tenancy (or passing over of the tenancy to someone else), and succession to tenancy. Details of these rights are contained in separate Policy documents and are available by contacting the Housing Management Section.

### **Partnerships**

The Council actively works in partnership with Orkney Housing Association Ltd to develop joint letting policies that are complementary. This includes the establishment

of a joint nomination agreement that enables applicants to be nominated between landlords. Details of this agreement are advised to applicants when applications for housing are made. Details are also available by contacting the Housing Management Section.

A joint protocol covering Section 5 referrals to OHAL to provide housing for homeless households has also been developed.

**Lettings Policy for Housing for Particular Needs (attached).**

## **Appendix Five: Performance Management**

The Council is committed to ensuring that both access to housing and letting procedures are carried out fairly. In order to ensure that the Lettings Policy is being implemented fairly, we have established a performance management system to monitor the implementation of service delivery.

### **Reports**

Reports will be submitted to the Education, Leisure and Housing Committee periodically detailing:

- The number of applicants on the Housing List.
- The number of empty properties and time vacant.
- The number of provisional and firm offers, including refusals and reasons for refusal.
- Length of time to identify and rehouse applicants by house size and priority pass.
- Length of time to identify and rehouse applicants by type of housing need.
- Percentage of homeless applicants rehoused (to tie into Section five referral protocol so that both organisations house a roughly equivalent percentage of homeless households).
- Length of time to process an application.
- Number of suspensions removed and the reasons behind this.
- Number of priority passes removed and reasons for this.
- The number of applications received for specific properties applications by equality group.
- Lets by equality group.

Analysis of the above information will be carried out on a regular basis. This will enable recommendations to be made regarding areas of the Lettings Policy that require amendment. This will also include the establishment of Local Lettings Initiatives.

The Void Policy contains more detailed performance indicators to monitor service delivery.

Case Reviews are also undertaken on a quarterly basis to audit 10 percent of cases in line with Line Management and Supervision arrangements.

## **Appendix Six: Training and Development**

The Council is committed to training and developing its staff to their full potential in order to deliver a high quality of service to tenants and service users.

To ensure that staff are confident, competent and sufficiently trained in all aspects of lettings, staff training needs will be assessed on a regular basis in one to one supervision sessions and more generally through team meetings.

Staff will be required to attend both internal and external training sessions.

Types of training provided for staff in respect of lettings will include:

- Legal training.
- Training on policy and procedures.
- Skills training, for example, customer care.
- Specialist awareness training, for example, training on the needs of people with disabilities and accessibility issues.

Our Staff Training and Development Policy covers this in more depth.

## **Appendix Seven: Positive Action Programmes**

### **People with Physical or Learning Disabilities**

In general the Council's ability to respond to the housing needs of applicants with physical or learning disabilities will be defined by the availability of suitable stock and demand for properties that require special adaptations. However the Council will also monitor the need for such properties and will use this information to enter into negotiations with other accommodation providers to shape future provision. Where a property has adaptations, offers will be made to the applicant applying for the property who makes 'best use' of those adaptations.

### **Young People – 16 years to 24 years inclusive**

The Council recognises that young people can hold a tenancy in their own right. If required a support package should be identified and instigated at the commencement of the tenancy.

Separate arrangements also exist in relation to this group including a Protocol on Young People leaving care and a protocol covering the young person's supported accommodation project.

The Council is committed to ensuring that its services are accessible to all and will make sure that this is tied closely into its service provision. Our Accessibility Policy covers this in more depth.

## **Appendix Eight: Transitional Arrangements**

The Council recognises that in changing from its Date Order method of allocation to a Housing Needs Based Letting system will mean that some current applicants (i.e. those who do not have a priority for housing such as medical priority) and particularly those who have waited for a significant period, will have their rehousing prospects affected.

In order to give as smooth a transition to the new system as possible applicants who have been registered prior to 1 October 2003 will be awarded a Bronze priority pass.