

Operational Procedure 47

SHETLAND ISLANDS COUNCIL

Allocation Policy



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Section 1

Principles and Objectives of the Allocation Policy

The principles and objectives of the Allocation policy are to ensure this policy meets legal requirements and reflects the:

Community Plan;
SIC Corporate Plan;
Local Housing Strategy
Good practice.

Principles

Legality

We will ensure our allocation policy and procedures reflect the legal framework and relevant codes of guidance.

Consistency

We will apply the allocation policy in a consistent manner across Shetland to ensure applicants with similar circumstances are treated in a similar manner.

Social Inclusion

We will not discriminate against applicants because of their sex, marital status, race, disability, age, sexual orientation, language, social origin, religious beliefs or political opinions.

Responsiveness

We seek to have a policy that is capable of responding to a wide range of complex individual needs and circumstances.

Openness

We will ensure the allocation policy is operated in an accountable way with regular performance monitoring and reviews.

We will publicise the results of performance monitoring (see Section 12). In doing so an individual's right to confidentiality and the requirements of the Data Protection Acts will be safeguarded. Individual applicants personal details will not be disclosed.

Objectives

Give priority to people in need

We will aim to address housing need in the area and where possible take into account an applicant's housing aspirations.

Aim to prevent homelessness

We will try and prevent homelessness occurring where possible.

Make best use of housing stock

We will aim to make best use of the housing stock.

Promote fair & equal access

We will assess applicants for housing in an objective, consistent and fair manner complying with relevant legislation and best practice

Sustainable communities

We will aim to promote and sustain local communities.

Partnership approach

We will apply an integrated approach and will work with other agencies in assessing and providing for the housing needs of the community.

Advice and Information

We will provide good quality information on the range of housing options available.

Performance monitoring

We will monitor performance and changing patterns of need and this will enable us to continually improve the allocation service.

Legislation And Other Relevant Policies

In meeting the principles and objectives of the Allocation Policy we will comply with the following legislative and policy requirements:

- Community Planning Framework
- Council's Corporate Plan
- Housing Service Plan
- Housing (Scotland) Act 1987 and 2001
- Homelessness etc (Scotland) Act 2003
- Child Protection Procedures
- Sex Offenders Joint Protocol
- Anti-Social Behaviour Policy

- Data Protection Acts
- Criminal Justice Act 1994
- Protection from Harassment Act 1997
- Disability Discrimination Act 2005

Section 2

How To Apply For A House

If you want to join our housing register, you can get an application form from the following offices:

**Shetland Islands Council Housing Service, Fort Road, Lerwick
Hjaltland Housing Association, 2 Harbour Street, Lerwick.**

You can also download an application form from the Shetland Islands Council website: www.shetland.gov.uk/housing/Housing_Application_Pack.asp

Alternatively, please contact us by phone or email if you would like us to send a form to you.

Completing Your Housing Application Form

It is important that you answer all of the questions on the form. We cannot accept application forms that are incomplete. If you need help to fill in the form please ask and we will be happy to help you.

Once your form is completed, please return it to either of the Housing Offices listed above. We will then check you are entitled to be included on our housing register. We will also check you would be entitled to be allocated a house.

Admission To The Housing Register

Once we have confirmed you are entitled to be accepted on to our housing register we will enter your details on to our computer and send you a registration letter. This letter will confirm we have put your name on our housing register and give you your unique reference number.

You can be accepted on to our Housing Register if you are aged at least 16. Also, anyone who has reached this age and is a resident of an EC Member State may join the Council's waiting list. This complies with Article 9 of EC Regulations 1612/68.

Keep the registration letter in a safe place. If you have any questions please phone or write to us (please tell us your reference number if possible).

Applications Not Accepted On To The Housing Register

If you are not eligible to be accepted on to our housing register, we will send you a letter telling you why we have not accepted your application. If you have any questions, or if you think you are eligible to be on our housing register, please phone or write to us.

If you are not entitled to be allocated a property, we will take you off our housing register and send you a letter to tell you why we have done this. The letter will also tell you what action you need to take to be put back on the housing register.

When Your Application Has Been Accepted

When your application is accepted on to our housing register we will assess your application to find out your priority and points for housing. We will also carry out checks to make sure you are entitled to be allocated a property.

We will send you a letter to tell you if we have given you any points, the size of property you will be considered for and to confirm your areas of choice.

You must check this letter carefully to make sure that the details we have about you are correct. Please tell us straight away if the details we have are incorrect.

Proof of your circumstances

We may ask for proof of your housing circumstances.

We may also carry out our own checks to make sure that the information you have given us is correct. If you choose not co-operate, we will not be able to consider your application for allocation.

Home Visit

We will visit you at home to confirm the details of your application and that the information you have given us is correct.

This will happen if you are highly placed on the waiting list, have requested a home visit or we need further information about your circumstances.

This helps us to ensure we offer our houses to the applicants in greatest housing need, as defined by this allocations policy.

Change Of Circumstances

Any change in your circumstances can potentially alter your points level. You must tell us immediately if your circumstances change. Changes in circumstances can include:

- Changing your address;
- Having a child;
- Any other changes in your household (ie if someone should be added or removed from your housing application)

You also need to tell us if you want to change the type of house or area you want to live in.

If your circumstances change we will review how many points we give you. After this review, the number of points you have may change. We update our housing register every day.

Should we become aware that there has been a change in your circumstances, which you have not informed us about, we may suspend your application until this information has been received in writing. You will be advised in writing that your application has been suspended.

If a Housing Applicant Dies

If someone who is included on your application dies, please tell us so we can update your application. If this person is a joint applicant, the application will change to be in your sole name. If points have been awarded which related solely to this person (e.g. medical points) these will have to be reviewed and if appropriate, removed from the application.

You will be notified in writing of any alterations to your points level. If you and/or the person who has died are already tenants, we may have to contact you to discuss matters relating to the tenancy (e.g. succession of tenancy, see section 11).

Change of Address

If you have changed address, you must complete a new application form with details of that address. In some circumstances we may be able to update your application over the phone or at a home visit. Your existing application may be suspended until we receive the new application.

Annual Review Of The Housing Register

We review all applications on the housing register annually. We will write to you once a year on the anniversary of your application. When we write to you we will:

- **Ask you to confirm that you still want to stay on our housing register;**
- **check your circumstances are still the same.**

We give you two weeks to reply, and if we do not receive a reply within this time we will send you a reminder letter. **If we do not receive a reply to this within a further two weeks, your application will be cancelled.**

You can reply to your review letter by telephone or in writing.

If we cancel your application because you have not replied to your review letters, you have the right to appeal this decision. If your appeal is upheld, we will reinstate your application from the date you first applied.

Confidentiality and Data Protection

We will respect your right to confidentiality when dealing with your application and through the process of allocating any accommodation.

In processing your application we will need to gather and confirm information regarding your housing, social and medical needs.

If you apply for housing you should be aware that checks will be made and could, for example, include an exchange of information between us and:

- Your previous landlord
- Your GP and NHS Shetland
- Social Work
- Police (information sharing protocols are currently being developed)
- Environmental Health or other relevant organisation regarding anti-social behaviour.

We will not discuss your application with someone else unless we have written permission from you.

We will gather, use and hold information in line with the requirements of the Data Protection Act 1998. We are registered under the Data Protection Act and full details of the information we are allowed to use are available on request from the Housing Office, Fort Road, Lerwick.

You have certain rights to access the information held about you. If you wish to do this you can write to the Housing Service requesting access to your file.

Equal Opportunities

We are committed to provide all applicants equal access to the housing register and to housing allocations regardless of:

- Nationality, race and ethnic origin
- Religion and cultural background
- Sex and sexual orientation
- Disability or illness
- Age and personal living arrangements

The exceptions to this are:

- Where it is appropriate to take disability, illness and age in to account when allocating houses specially built, adapted or otherwise designated for such groups.
- In relation to sex offenders if, following a joint assessment with the Police and Social Work in line with the agreed interagency sex offenders protocol, the allocation of a particular property is considered to pose a significant risk to members of the community.
- If you have an ASBO (Anti Social Behaviour Order) granted against you and the allocation of a property may increase the risk of anti social behaviour re-occurring.

Section 3

Summary Of Points

Reason	Points
Access to Children	20
Access to Properties (8 Steps)	25
Applicants living apart	20
Bedsits	40
Fostering & Adoption	40
Harassment	40
Insecurity of tenure/No Fixed Abode	60
Lack of Amenities:	
No inside W/C	30
No Fixed bath or shower	15
No piped cold water system	50
Severe Dampness	20
Severe Structural Problems	20
Other degrees of unfitness	10
Local Connection	20
Medical Needs	20/50/75/100
Mobile Homes	20
Overcrowding:	
For each single bedroom lacking	25
For each double bedroom lacking	35
Service Tenancies/Tied Accommodation	40
Sharing Amenities	40
Social Care	20/50/75/100
Support Points (moving to other area)	30
Travel to work (moving to nearer area)	15
Under-Occupation	
For Each additional single bedroom	20
For Each additional double bedroom	25
Unreasonable to remain	35
Waiting time	
Applicants residing in mobile homes	10
Other Applicants	3

Access To Children

These points will be awarded we have confirmed you have access to children who do not live permanently with you and where your present accommodation is unsuitable for the children to stay overnight e.g. due to sharing amenities.

Confirmation of your access will be sought from the person who shares access of your children with you and in consultation with Social Work.

Please note that points for overcrowding, children under 5 at or above 1st floor, and access to properties points will not apply in these circumstances.

Section 4 provides details of the size of the property we will consider you for if you have access to children.

POINTS

Access to children

20 points

Access To Properties

These points will be awarded if you have a child(ren) under 5 and you live in a property with a run of 8 or more external steps which you must use to gain access to your property.

Please note that where your property has 2 entrance doors, if one entrance has less than 8 steps, you will not be awarded these points e.g. if the back door has less steps than the front door.

These points will normally only be awarded after a home visit / inspection of your property has been carried out.

POINTS

Access to properties

25 points

Applicants living apart

If you wish to reside with your partner, irrespective of whether you are engaged or married (including same sex relationships) and you are living in separate accommodation you can make a joint application.

Couples living apart will not be pointed as if they are living together. A visit will normally be made to both properties and the most highly pointed property will be used.

Please note we will also consider whether you could both reside in one property and any reasons for not doing so. If it is decided that you could live in one of properties you will be pointed from that address as if you were both living at that address.

Either of you may be entitled to sharing amenities points as you will be seen to be part of a separate household.

In determining whether it is appropriate for you to reside in the same property, your moral and religious beliefs and those of the people with whom you are residing will be taken into account.

POINTS

Applicants living apart

20 points

Bedsits

Bedsit points will normally only be awarded after a home visit / inspection of the property has been carried out and we have confirmed that the property consists of a bedroom and sitting room combined. A separate or shared kitchen or bathroom will not affect these points being awarded.

Note: Where you have your own bedroom and access to a shared living room, bedsit points do not apply.

Overcrowding points are automatically awarded to all bedsit accommodation to reflect the fact that Bedsits lack separate bedroom facilities. The level of overcrowding points awarded will depend upon the number of people occupying the bedsit. For example, where a couple are occupying a bedsit, they are lacking in one double bedroom and will be entitled to the points to reflect this.

Additional points for a sub-standard property may be awarded in instances where we are satisfied that the bedsit is unfit. For example, bedsits at the SIC's property at 12a North Road will be awarded additional points due to the location of the shared bathrooms.

POINTS

Bed-sit points

40 points

Flats / Maisonettes

You will not be awarded extra points if you live in a flat or maisonette, except where your household includes a child of less than five years of age and you live in accommodation at or above first floor level.

Fostering And Adoption

Fostering and adoption points will be awarded where you have formal fostering/adoption arrangements which cannot be fulfilled due to your current housing situation.

Confirmation will be sought from Social Work regarding your fostering/adoption arrangements.

POINTS

Fostering / adoption

40 points

Harassment

The definition of harassment is:

Where on the grounds of a person's race, religion, belief or sexual orientation someone engages in unwanted conduct, which has the purpose or effect of:

- violating the other person's dignity; and
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Harassment may be deliberate or unconscious, direct or indirect. Its effect is to undermine, cause discomfort, humiliate, exploit, threaten or exclude you. Whilst harassment generally involves repeated behaviour, a single incident may constitute harassment if it is sufficiently serious.

In carrying out an assessment of harassment points, we will consider the impact of the alleged behaviour on you. It is important to stress this point because what one individual may accept can prove unacceptable to another.

The following are examples of inappropriate behaviour covered by this policy:

- physical (from touching to serious assault);
- spoken (e.g. offensive language, jokes, slander);
- written (abusive or intimidating communication, including that sent via e-mail and text);
- visual (e.g. posters, graffiti, gestures);
- coercion (e.g. pressures for sexual favours, to join political group);
- intrusion (e.g. spying, pestering, following);
- victimisation (e.g. for making complaints)

The Criminal Justice Act 1994 states that harassment is a criminal offence, punishable by a fine and / or a prison sentence. Where the actions are deemed aggravated harassment with the victim fearing violence, the Protection from Harassment Act 1997 allows for an unlimited fine and imprisonment for up to five years. If there is a belief that a criminal act has been committed, this will be reported to the Police.

Points will be awarded where you or a member of your household is the subject of persistent and ongoing racial, sexual or other forms of harassment as defined above and where we are satisfied that there is evidence of such harassment. Confirmation may be sought from the Police, Social Work and Education as appropriate.

POINTS

Harassment

40 points

Homelessness

We have a statutory duty under Section 2 of the Housing (Scotland) Act 2001 to provide interim temporary accommodation for you if you are:

- homeless or threatened with homelessness within 2 months.

If you satisfy the above criteria, you will be registered as homeless. We will provide you with interim temporary accommodation whilst we complete a full homeless assessment. We will also provide you with advice and information to help you find your own accommodation.

Where this homeless assessment determines you:

- **are in priority need, and**
- **are not homeless intentionally, and**
- **have a local connection**

We will have a duty to continue to provide you with temporary accommodation until you can be offered a suitable permanent home.

Homeless applicants are not awarded points, but are allocated in date order and will be allocated permanent accommodation in line with the allocation targets set out in this policy.

Where there are exceptional circumstances, such as medical need or severe social reasons, we may allocate you a house ahead of other homeless applicants.

Homeless Applicants who are not entitled to a permanent house

If you are not entitled to a permanent home, we will provide you with temporary accommodation for a reasonable period of time. In most circumstances we consider up to 2 months to be a reasonable period of time in which to offer you advice and assistance to help you find alternative suitable housing.

If there are reasons out with your control that mean you cannot find suitable housing we may continue to provide accommodation and assistance until your housing needs are met.

You will be expected to tell us what steps you have taken to gain alternative housing. If you have not made reasonable efforts to address your housing needs, temporary accommodation may be withdrawn.

Local Connection (Homeless Applicants)

If you are homeless, in priority need, not intentionally homeless but do not have a local connection with Shetland, you may be referred to an area where you do have a local connection. Such referrals would depend on individual circumstances.

Insecurity Of Tenure/ No Fixed Abode/ Unreasonable To Remain

We consider you to be of no fixed abode e.g. you are moving on a regular basis between different addresses, residing in a touring caravan etc.

Medical or social needs points will apply to your application. Sharing amenities and lacking amenities points can apply to your application at the discretion of the Senior Housing Officer – Estate Management.

POINTS

Insecurity of Tenure	60 points
No fixed Abode	60 points
Unreasonable to remain	35 points

Lack Of Amenities

Lack of amenities points are awarded following assessment by a Housing Officer or a Technical Officer for accommodation that does not have the amenities listed below, or accommodation that is considered to be in a poor condition.

The Council's Environmental Health Officers may be able to assist in encouraging landlords to carry out repairs and also in giving advice regarding repair and improvement grants. We will contact them where appropriate.

POINTS

No inside W.C.	30 points
No fixed bath or shower	15 points
No piped hot water system	15 points
No piped cold water system	50 points
Severe dampness	20 points
Severe structural problems	20 points
Other degree of unfitness (lack of ventilation/light/moderate dampness etc)	10 points

Local Connection (Waiting List Applicants)

You can be awarded points for having a connection with the area which you are applying to be re-housed in, if;

- You were born in the area, or
- You previously lived in the area, or
- You currently live in the area, or
- Your parents, grandparents, children or grandchildren currently live in the area, or
- You currently work in the area.

When you apply to be housed by us, you can choose up to four areas where you would like to live. The above points will be awarded on an area-by-area basis, to the area, or areas you have the connection with as defined above. This means that the total number of points you are awarded may vary, depending on your local connection with each of your areas of choice.

For example:

You currently live in Cunningsburgh, and your parents live in Sandwick. You have applied to be re-housed in Cunningsburgh, Sandwick or Bressay. You have a connection with Cunningsburgh and with Sandwick, but not with Bressay, therefore the 20 local connection points will only be awarded for Cunningsburgh and Sandwick. Therefore, the total number of points you hold for Bressay will be 20 points less, than the total number of points you hold for Cunningsburgh and Sandwick.

POINTS

Local Connection

20 points

Medical Need

Medical points can be awarded to you or a member of your household who is to be housed with you.

These may be awarded only where your current housing situation is causing or aggravating ill-health (mental or physical) and where it could be improved by a move to other accommodation.

Only one award of medical points can be made per household; points for more than one member of the household cannot be amalgamated.

A form to apply for medical points can be obtained from us. The points are assessed and awarded by the Director of Public Health, NHS Shetland.

The Director of Public Health will also advise us as to the type of accommodation, which would be best for you (e.g. single storey or with the bedroom and bathroom on the same floor). We will try to take this into account when allocating you a property, but please note this is dependant on the availability of accommodation.

The Director of Public Health will notify both you and us of the points awarded. If you are not satisfied that the award reflects your circumstances, you can apply for a medical points re-assessment, see section 13 for more information.

POINTS (There are four categories of medical points)

The present house is unsuitable but you do not need urgent re-housing	20 points
You have a serious medical problem which would be improved by a move to better accommodation	50 points
You have a serious medical problem which would be so improved by a move to more suitable accommodation, that rapid rehousing is recommended	75 points
Your present accommodation is completely unsuitable for your medical condition thus seriously limiting your quality of life to the extent that urgent action is required	100 points

Mobile Homes

Points will be awarded if you live in a re-locatable chalet or residential caravan where planning permission has been granted.

If you live in a touring caravan or caravanette you will be pointed as being of no fixed abode, as planning permission can not be granted for these types of accommodation.

POINTS

Chalet/caravan with planning permission 20 points

Moving To Less Suitable Accommodation

If you move to accommodation which would increase your points due to:

- Overcrowding
- Lack of amenities
- Sharing amenities
- Mobile home points
- Insecurity of tenure

These points will not be awarded for a period of three months whilst occupying that accommodation, unless in our judgement there was a valid reason for the move, e.g. to prevent homelessness, severe relationship breakdown, medical reasons etc.

This section also applies if you are a homeless applicant who has been assessed as being intentionally homeless, and are subsequently applying for housing from your temporary emergency accommodation.

Overcrowding

For the purposes of overcrowding points, room sizes are defined as follows:

Floor Area Bedroom Size	No of Persons	Bedroom Size
110 Square feet (10.22m ²) or larger	2	Double
70 Square feet (6.5m ²) or more but less than 110 Square feet (10.22m ²)	1	Single

The floor space in built in wardrobes / cupboards etc will be taken into account in calculating the useable floor area of your rooms.

The floor space under a cove ceiling with a height of 5 feet or less, will not be taken into account in calculating the useable floor area of your rooms.

Your house is overcrowded if you do not have all the rooms that you need. The number of rooms needed by a household is as follows (note that kitchens and bathrooms are not counted):

Living room plus...

One double bedroom for:

- A couple or single parent or pregnant single woman
- Two children of the same sex under the age of 16 years, where the age difference between them is less than six years
- Two children of different sexes under the age of five years

Single bedrooms are required for;

- Any other adult (16 years and over) who is a member of the household
- Children of a different sex where one is aged five years and above
- Children of the same sex with an age difference between them of six or more years

In certain circumstances, the number of rooms needed will take into account future members of the household, where these can be confirmed.

For example

- An unborn child where a member of the household is pregnant; or
- Foster children where you have Social Work approval and you need a larger property to provide foster care; or
- Where there is separated parent whose visiting and / or access arrangements mean that they require larger accommodation.

POINTS:

Overcrowding points are calculated on the basis of

- 1) The number of rooms in your present accommodation and
- 2) The number of rooms needed

If you are overcrowded, we will give you the following points:

For each single bedroom lacking	25 points
For each double bedroom lacking	35 points

Legal Definition of Overcrowding

Please note that the above definition of overcrowding is for guidance in relation to the award of overcrowding points and applies to this policy only.

For clarification a property is statutorily overcrowded when:

The number of people sleeping in a house and the number of rooms available as sleeping accommodation (e.g. bedrooms, living rooms), is such that 2 people of opposite sexes who are not living together as husband and wife must sleep in the same room. This does not include children under the age of 10.

Or

The number of people sleeping in a house is in excess of the permitted number in relation to the number and size of the rooms of the house available as sleeping accommodation (e.g. bedrooms, living rooms, dining rooms).

Children under the age of 1 are not counted
Children over 1 but under 10 = $\frac{1}{2}$ unit

Floor Area of Room	No. Persons
110 sq ft +	2
90 sq ft > 110 sq ft	1½
70 sq ft > 90 sq ft	1
50 sq ft > 70 sq ft	½

Prisoners

If you are in prison and think you may have a housing need on your release, you should make sure you submit an application for housing well in advance of your release date, if known.

You can do this by contacting your prison Social Worker.

Your application will be accepted provided that you are aged at least 16 years.

Your application will be treated in the same way as all other applicants for housing. If you are entitled to be allocated a house, you will be awarded the following points.

POINTS

No fixed abode	60 points
Sharing amenities	40 points
Social care/medical points	if applicable

Points in respect of overcrowding are not applicable

Relationship Breakdown

Where a relationship between two partners, whether married or not, (including relationships between people of the same sex) breaks down, either person can be accepted onto the housing register. This applies even though you may not be legally separated or divorced.

In pointing the application it is recognised that separate bedrooms will be required. You may also be entitled to sharing amenities points.

Insecurity of tenure points may be awarded where it is considered by us that homelessness will occur. Points, assessed by Social Work, may also be awarded in cases of severe personal relationship difficulties.

Any joint housing application will no longer be active once we are notified of the breakdown of the relationship. You will both be notified that your joint application has been suspended.

If either of you wish to reapply, a fresh application should be completed as soon as possible. If either of you makes an application in your own name, it will be dated as if received on the date you were first included on the joint application.

POINTS

Overcrowding	As applicable
Sharing amenities	40 points
Insecurity Of Tenure	As applicable
Social or medical points	As applicable
Unreasonable to remain	As applicable

Residents In Institutions

If you reside in hospital, residential care or shared community care establishments you can apply for housing.

Your application will be accepted, provided that you are aged at least 16 years. Your application will be treated in the same way as all other applicants for housing.

You may be entitled to points awarded by Social Work if you are in hospital or institutional care and cannot be discharged because of a lack of housing

If you are entitled to be allocated a house, you will be awarded the following points:

POINTS

Insecurity of tenure (if applicable)	60 points
Sharing amenities points	40 points
Medical and social needs points	where applicable

Note: No overcrowding points will be awarded unless the applicant is living in house-style accommodation.

Service Tenancies / Tied Accommodation

Applications from tenants living in this type of accommodation will be accepted on to the waiting lists as long as the applicant is aged 16 years or over.

Applications from service tenancies will be considered in line with all other applicants based on your points level. We will have no responsibility to re-house you when you are discharged or leave your tied accommodation unless you fall within the terms of the homelessness legislation.

When you leave your employment, whether by choice, retirement or dismissal, we will seek confirmation from your employer that you must also leave your accommodation. On receipt of confirmation, 60 points for Insecurity of Tenure will be awarded to the application.

POINTS

Service Tenancies/Tied Accommodation	40 points
Insecurity of Tenure (if confirmed)	60 points

Sex Offenders

We will not refuse housing on the basis of your offence. You will be assessed for housing under the terms of this Allocations Policy.

When determining what is a reasonable offer of accommodation e.g. the type and location of the accommodation, consideration will be given to the level of risk posed by your past and present behaviour, where this is known to the Housing Service.

In assessing applications and in the re-housing of sex offenders, we will work jointly with Social Work, the Police and the Sex Offenders Management Group where appropriate.*

POINTS

All categories of points apply where appropriate.

*Supervision of Sex Offenders: Arrangements for sharing information – Assessment of risk – Protection of Vulnerable people. Council policy document March 1998

Shared Accommodation

Shared accommodation is a dwelling with multiple bedrooms, with access to living room, kitchen, bathroom, shared by occupants who are not necessarily part of the same household but where there is one lease for the property. Assessment for points will be based on all occupants and all rooms in the property.

Points that may apply to an occupant applying as an individual.

POINTS

Overcrowding	If applicable
Sharing Amenities	40 points
Any other	As applicable

Note: Points for under-occupation and bedsit points would not apply.

Individual Tenancy/Lease Agreement For Use Of Rooms Within Shared Property

As shared accommodation as above, but occupants have individual tenancy agreements. Assessment of application will be made from the room assigned to the applicant and would not take into account the circumstances of the people with whom they were lodging.

POINTS

Overcrowding	If applicable
Sharing Amenities	40 points
Any other	As applicable

Note: Points for under-occupation will not apply but bedsit points may apply if there is no separate living room.

Lodgings

If you are lodging in another family's home, where your meals are provided, or you have access to a kitchen we will assess your application from the bedroom which is for your use only, taking no account of the circumstances of the people with whom you are lodging.

POINTS

Overcrowding	If applicable
Sharing amenities	40 points
Any other	As applicable

Note: Points for under-occupation or bedsit points would not apply

Sharing Amenities

You will be awarded points for sharing amenities if you do not have your own home and have to live in someone else's home or in an institution and share amenities.

Sharing amenity points are awarded if you share any of the following amenities with anyone other than those people listed in your application form as belonging to your household: -

- Living room
- Kitchen
- Bathroom
- Toilet

There is a standard award for sharing amenities, which applies where any or all of the amenities are shared.

POINTS

Sharing amenities

40 points

Social Need Points

Points can be awarded by Social Work in the following circumstances:

- Where there are severe child care issues
- Severe personal relationship difficulties
- Situations where alternative accommodation is part of a community care plan
- Where an individual in hospital or institutional care cannot be discharged because of lack of housing.

These points will be awarded by the Principal Officers, Social Work following an assessment and where necessary an interview. Any information provided to Social Work will be treated in the strictest confidence.

For details of your right to appeal the decision made please see Section 11

POINTS

Social Work grade each application based on the degree of severity into one of the following categories:

Moderate need	20 points
Serious need	50 points
Severe need	75 points
Urgent need	100 points

Special Case Status

You will only be awarded Special Case status in exceptional circumstances.

Your application will only be considered for Special Case status if

You are a young person leaving care

Or if

All of the following criteria apply:

- You are considered to be in acute housing need, and
- Your application has been assessed and awarded the full entitlement to points under the terms of the Council's allocation policy, and
- There is a significant factor or factors or special circumstances in relation to your housing need, which is not reflected in the points assessment, and
- The total points awarded to your application do not place your application at the top of the list, or close to the top of the list, for your areas of choice, and it is accepted that there is no reasonable prospect of your acute housing need being met within an appropriate time scale, and
- You have considered alternative areas of choice and we have discussed this with you, but we have accepted that a change is not appropriate.

Each application is considered on its own merits. If your application is awarded special case status, you will be made one reasonable offer of accommodation.

Special case status does not mean that you will be offered the next available property, but instead means that your application will be considered alongside those at the top of the waiting list.

Special case applicants will generally be allocated in date order, however consideration will be given to the individual circumstances of all special case applicants, and the suitability of the available property to cater for their housing needs. The Council provides an undertaking to house applicants with special case status.

Support Points

Points may be awarded where you are moving to another area to give or receive support. These will only be awarded where you are moving to another area of choice to provide or receive support. Only in exceptional circumstances will the points be awarded where you wish to move within the lettings area where you currently live, e.g. where it is unreasonable for you to provide or receive support due to the type and/or frequency of support needed.

These points will apply in cases where support is given to vulnerable individuals, (e.g. disabled, elderly, people with mental health problems) and this support will significantly benefit the individual receiving the support. This does not include child minding unless there are exceptional circumstances.

Contact will be made with both parties to confirm what support is being provided/received.

POINTS

Providing / receiving support

30 points

Travel To Work Points

Points for travel to work will be awarded if you currently have to travel over 24 miles to your place of work, and all of your areas of choice for housing are less than 24 miles from the place of work.

These points also apply if you currently have to travel by ferry to reach your place of work, and none of your areas of choice would require you to travel by ferry to reach your place of work

POINTS

Travel to Work

15 points

Under-Occupation

Under-occupation points are awarded to assist applicants in large houses who wish to move to smaller properties.

We will only award points for under-occupation if you are a local authority tenant or housing association tenant.

For the purposes of calculating under-occupation points, room sizes shall be defined as follows:

Floor Area Bedroom Size	No of Persons	Bedroom Size
110 Square feet (10.22m ²) Or larger	2	Double
70 Square feet (6.5m ²) or more, but less than 110 Square feet (10.22m ²)	1	Single

Council tenants who are moving from larger to smaller council accommodation may be eligible for the Transfer Payments Scheme. Please see section 10 for further information.

POINTS

For each additional single bedroom **20 points**
For each additional double bedroom **25 points**

Waiting Time

Your application will be awarded points for every year that it is active on the housing register.

POINTS

**All applicants for each year that they
are on the housing register
(Except those residing in mobile homes) 3 points**

**Applicants residing in mobile homes
for each year on the housing register 10 points**

Young People Who Have Been Looked After

The Council has a statutory obligation to support young people who have been “looked after”, e.g. residing in a children’s home; being provided with foster care; residing in residential establishments on the mainland or whilst residing in the family home.

In order to fulfil this duty we will ask you to complete an application form. Your application will automatically be awarded special case status following confirmation from Social Work that you meet the above criteria.

You may be provided with a variety of types of accommodation. This could include temporary, shared or self-contained accommodation depending upon what is assessed as being most appropriate. Your views and those of your carers and Social Care will be taken into account in reaching this decision.

The special case status will remain in operation until you have been appropriately housed in permanent accommodation.

Section 4

The Size Of Property You Will Be Considered For

The size of house you will be considered for depends on the number of people in your household. Each person is normally considered for the number of rooms as shown below:

Household* details	Double rooms	Single rooms
Couple	1	
Single Parent	1	1
Pregnant woman	1	1
2 Children of the same sex, under 16 with age difference less than 6 years	1	
Adult (over 16)		1
Children of different sexes over 5 years of age		1 each
Children of same sex where age difference is 6 years or more		1 each

*What we mean by household

Your household is everyone who normally lives with you, in the place where you stay, and is to be re-housed with you. It doesn't matter whether the people who normally live with you are related to you or not. Someone who only stays with you two or three nights a week would not automatically be included as part of your household.

Split households

If you have adult children (16 years or over) who currently live independently and who wish to be re-housed with you, we will ask them to complete their own application form(s), stating that they want to live with you.

If you are a couple living apart and wish to be housed together you will be considered for a house based on both your needs.

Medical Needs

You may be considered for a larger property if you have medical needs (see section 3), which means you need additional rooms or additional space.

Access to children

If you have access to children who do not live with you all the time (for example, children from a previous relationship), we may be able to consider you for a larger house than your current household requires.

This will depend on the frequency and duration of your access. We will ask you to complete a form to provide us with full details. We will then carry out a formal assessment of your housing needs jointly with Social Work. Until this is completed, you will only be considered for the size of property your current household requires at present. (see section 4).

Exceptions

Couples

Couples will generally be considered for two bedroom properties.

You can also opt to be considered for a one-bedroom property, in which case your application can be shown on both the one and two bedroom housing lists.

You can also request to be on only the one bedroom waiting list if you wish.

Vacant larger properties

You may be considered for a larger property where there are vacancies in your area's of choice if:

- There are no other applicants who need that size of accommodation on the housing list for that area; or
- All applicants who need the larger size of property have a very low number of points in comparison with those applicants who need the smaller size of accommodation.

In deciding if you will be offered a larger property, we will consider your ability to maintain the tenancy and the level of under occupation that will result from the allocation. No account will be taken of your income in reaching such a decision.

Assessment of applicants who need 4 or more bedroom properties

If you need a bigger house than we have in our housing stock, we will carry out a special case assessment on your application (see section 3).

You will only be awarded special case status in exceptional circumstances and your application can only be awarded special case status if all of the following criteria apply:

- You are considered to be in acute housing need
- Your application has been assessed and awarded the full entitlement to points under the terms of the council's allocation policy
- There is a significant factor or factors or special circumstances in relation to your housing need, which is not reflected in the points assessment
- It is accepted that there is no reasonable prospect of your acute housing needs being met within an appropriate time scale
- You have considered alternative areas of choice and we have discussed this with you, but we have accepted that a change is not appropriate.

The possible solutions to your housing need could include:

- Converting two houses into one
- Converting your loft
- Adding an extension
- Adapting the layout of your existing home
- Offering you a transfer to an alternative, more suitable property
- Building a new, suitable property: or
- You buying, building or renting a more suitable property

We will make a recommendation for the most appropriate options and will take cost in to account where there is more than one practical option.

If agreed, your application will then be added to an annual programme of planned opportunity conversion works.

The work is generally carried out in date order, however consideration will be given to the individual circumstances of all special case applicants, the solution recommended and the available annual budget.

Operational Guidance – Applicants who need 4 or more bedroomed properties

The area Housing Officer should carry out a special case assessment within four weeks of receiving a housing application for a household who need more bedrooms than the council has available in its stock

If special case status is not awarded, the area Housing Officer should advise the applicant of this decision in writing and provide advice and information on the applicant's housing options. Where the recommendation is not approved, the area Housing Officer should confirm the decision and the reasons in writing to the applicant within two weeks.

If special case status is awarded, the area Housing and Technical Officer should jointly carry out an assessment of the housing options for each applicant.

The area Technical Officer should provide approximate costs for each option.

A joint recommendation should then be made to the Service Manager—Housing & Property.

If approved, the area Technical Officer should advise the Senior Housing Officer – Asset Management, who should then confirm the applicant's position on the rolling programme and provide an estimate of likely timescales for the works being carried out.

The area Housing Officer should then advise the applicant in writing of the decision and likely timescales.

The Asset Management section should provide updates at least every six months to the applicant on progress and timescales.

A report will be run quarterly on housing list applicants who require four or more bedrooms to ensure all applicants are assessed.

Areas Of Choice

You can select up to four areas of choice.

A list of the areas, the streets within these areas and the size of properties in each of these areas can be found in the following pages.

An offer of accommodation can be made in any of the areas you choose and each area is equally weighted.

Exclusion of a specific street or scheme from your areas of choice will only be considered if there is a special social or medical reason for the request. If you do not wish to be considered for a specific street or scheme, please provide the reasons in writing so that we can consider whether this is acceptable.

Where you have selected four areas of choice and you wish to change one of those areas of choice, we can only consider requests where they are made in writing.

Where there is a change to an area of choice or the addition of a new area(s), then your application may be deferred for a period of three months in the area(s), which have been changed. You will only be considered for re-housing in the changed area(s) after this three-month period. This applies to all applications.

In exceptional circumstances, the three months deferral can be waived following a change in areas of choice e.g. if there are existing vacancies in that area of choice and no suitable applicants on the waiting list.

If you wish to add one, two or three areas of choice to bring your selection up to four areas of choice, no deferral will apply to the new areas.

Housing outwith our Areas of Choice

We have a few scattered properties, which do not fall within any of our areas of choice. If we are to allocate one of these, you may be considered if your areas of choice include the surrounding areas.

You should also note that where you have applied for Brae, Firth, Mossbank, Hillswick, Urafirth, North Roe and/or Ollaberry, and you have asked to be nominated to Hjaltland Housing Association, you may be considered for a nomination for a property in Sullom, should a suitable Hjaltland Housing Association vacancy arise and a nomination be requested by the Association.

If you only wish to be considered for particular properties in your areas of choice, please let us know when you complete your application form.

Areas of Choice

LANDWARD

Allocation Area	Street Names
Aith	Whitelaw Road, Wirliegert
Bigton	Hayhoull Place
Bixter	Lingaro
Boddam	Turniebrae, Schoolhouse
Brae—Moorfield	Burgadale, Gallowburn, Gossaford, Havragord, Hevdaland, Housaquoy, Ladieside, Lingapund, Ockragarth, Runnafirth, Tronaster
Brae—Other	Grindahoul, Grindwell, Skelladale
Bressay	Fullaburn, Glebe Park , Hamilton Park , Schoolhouse, Voeside
Burra—Bridge End/ Toogs	North Toogs, Sunnybank
Burra—Hamnavoe	Atlanness , Glenburn Road, Glenhaven, Hulsidale
Cunningsburgh	Dandiegarth, Laxdale Road, Midgarth , Pundsta Place, School flat, St Clair Road
Fair Isle	Aester Houll
Fetlar	Stakkafletts
Firth	Leaside, Midlea , Sandside
Hillswick	Stucca
Mossbank	Braehead, Burreness, Hamarsgarth, Maidenfield, Rayburn Road, Smuggabank
North Roe	Bayview
Ollaberry	Runnadale

Out Skerries	Chalets, Harbour view
Sandness	Shendale Burn
Sandwick	Brakefield Road, Brentfield , Park Wynd, Swinster, Veester Hill
Scalloway—Blydoit	Blydoit
Scalloway—Port Arthur	Port Arthur
Scalloway Village	Adies Buildings, Berry Road, Craigpark Road, Gilbblestone Road, Houl Road, Ingaville Road, Meadowfield Crescent, Meadowfield Road, Meadowfield Place, Sycamore Avenue
Skeld	Grindibrek
South Nesting	Stendaal
Tingwall	Girlsta Chalets, Herrisdale Park, Vallafield
Tresta	Westerfield
Unst—Baltasound	Daisy Park, Millburn Park, Nikkavord Lea, Schoolhouse, Springpark Road
Unst—Haroldswick	Beach Road, Brakefield Crescent
Unst—Uyeasound	Belmont, Brucehall Terrace, East Road
Urafirth	Valladale
Vidlin	Gillside, Queeness Road
Virkie	Horseshoe Close, Toabsgeo
Voe	Isles Road, Norbrek, Norderhoull
Walls	Bayhall, Gruting Schoolhouse, Kirkidale, New Road Stove Cottages, Vaila
Weisdale	Kalliness, Swedish Houses
Whalsay—Brough	Tripwell

Whalsay— Symbister	Gardentown, Harlsdale, North Park, Saeter
Whiteness	Schoolflats, Sea Haven
Yell—Burravoe	Uista Chalets, Meadowbank Road
Yell—Cullivoe	Greenbank Road, Greenbank Terrace
Yell—Mid Yell	Bellevue, Burrapark Road, Clingrapark, Steenbrae,

LERWICK

Lerwick – Town			
Anderson Homes.	Anderson Road	Annsbrae Court	Annsbrae House
Annsbrae Place	Bank Lane	Breiwick Road	Brevik Cottages
Browns Road	Bruce Crescent	Burgh Road	Cairnfield Road
Chapel Place	Cheyne Crescent	Chromate Lane	Clairmont Place
Commercial Road	Commercial Street	Gardie Lane	Gilbertson Road
Goodlad Crescent	Greenfield Square	Gressy Loan	Haldane Burgess Crescent
Hayfield Lane	High Street	Hjaltland Place	King Erik House
Knab Road	Kveldsro Gardens	Leog	Leslie Road
Mansefield	Market Street	Mounthooly Place	Mounthooly Street
Navy Lane	North Lochside	North Road	Park Lane
Parkfield	Pitt Lane	Prospect House	Queens Place
Rechabite Place	Robertson Crescent	Robertson Lane	Ronald Street
Russell Crescent	Scalloway Road	Sletts Road	South Lochside
St Magnus Street	St Olaf Street St	Sunniva Street	Stouts Court
Thorfinn Street	Twageos Road	Union Cottage	Union Street
Water Lane			
Lerwick—Sound			
Braefield	Baila	Bakland	Kirkland
Nederdale	Rudda Court	Sandveien	Sandwall
Swarthoull	Tarland	Taska	
Lerwick – North			
Burnside	Hoofields Chalets	Norstane	Soldian Court
Staney Hill	Voder View		

Section 5

Suspension Policy

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- Process
- Appeals
- Reviews
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- Alternatives to Suspension
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Principles and Objectives of the Suspension Policy

This suspension policy is based on the legislative requirements of the Housing (Scotland) Act 2001 and good practice guidance.

It will be applied fairly and consistently across all different types of council houses in Shetland and will not vary between high and low demand areas.

It applies to all applicants on the housing register, with the exception of unintentionally homeless people in priority need who we have a duty to provide

permanent accommodation to under the terms of the homelessness legislation or to tenants applying to exchange properties.

In all cases we will seek a tenancy reference from your former or existing landlord (including private tenancies). We will treat references from private landlords with some caution.

You must give your permission for a tenancy reference to be sought.

If we request information from other sources, you must either give your permission or we must be entitled to request the information under the terms of an information sharing protocol e.g. in relation to antisocial behaviour.

We will carry out an assessment to find out if you are eligible to be considered for allocation, or if your application should be suspended for a period of time or until certain steps are taken or circumstances change.

In deciding whether to suspend an applicant from the housing register, we will consider each applicant's circumstances on a case-by-case basis. We will take into account the reasons for the circumstances or conduct and consider:

- The nature, frequency and duration of the conduct
- The extent to which the conduct is the consequence of acts or omissions of people other than the tenant
- The effect that the conduct is having on other people
- Any alternative action taken by the landlord to address the conduct

We will also consider the consequence of the suspension on you and your household.

The purpose of the suspension policy is to ensure that appropriate allocations can be made and where needed, appropriate pre or post-tenancy support can be offered to maximise your chance of a successful tenancy and limit any impact your behaviour may have on the wider community.

Appeals

You have the right to appeal any decision to suspend your application. You can do this by writing to the Service Manager – Housing and Property, Housing Service, Fort Road, Lerwick, ZE1 0LW. If you are not satisfied with the outcome, you should contact the Head of Housing, within two weeks of the Senior Housing Officer's written reply.

These appeal procedures do not replace your rights to use the Council's Corporate Complaints Procedure or the right to refer a complaint to the Local Government Ombudsman.

Reviews

Suspensions should be temporary. If we suspend your application, we will tell you clearly in writing the reasons for the suspension, how long the suspension will apply and / or what steps you need to take to have the suspension lifted.

We will tell you of our decision within 14 days of gathering all the information needed to assess your eligibility for allocation.

If your application has been suspended until certain steps are taken or circumstances change we will review your application every six months. When we review your application we will contact you to ask if your circumstances have changed or if you have taken the steps required to lift the suspension.

If you have taken the steps required, confirmation of this will be sought as appropriate and the suspension will be lifted. Your application will be considered from the date you first applied.

If your application has been suspended for a period of time (these types of suspensions are marked with an * in the following policy), it will automatically become active after this date has passed. Your application will be considered from the date you first applied.

Monitoring

We will monitor on a monthly basis and will report annually on:

- The number of applicants who are suspended from the housing register at the start of each month
- The number of applicants falling into the main categories for suspension:
 - Debt
 - Antisocial behaviour
 - Offers penalties
 - Local connection
 - False information
 - Other
- The number of offers refused and the main reasons for the refusals
- The number of appeals against suspensions and whether these appeals were successful or not.

Common Housing Register

Shetland Islands Council and Hjaltland Housing Association operate a common housing register. Applicants to Shetland Islands Council will be considered under the terms of this policy. Applicants to Hjaltland Housing Association will be considered under the terms of their policy.

Alternatives to Suspensions

We aim to minimise the number of people suspended from our housing register. We will look for alternatives to suspensions from the housing register wherever possible.

Probationary tenancies

We will grant a short Scottish Secure Tenancy when an applicant has been evicted for antisocial behaviour in the last three years for either six months or a year and with support.

Supported Housing

We will refer applicants who are potentially homeless or who have other housing support needs to the Housing Outreach Service.

Dealing with Debt

The following is set out in our arrears policy.

- We will carry out fact to face visits in the early stages of arrears coupled with realistic repayment agreements.
- We will make referrals to housing, welfare benefits or debt advice providers.
- We will identify responsibility for following up former tenants arrears.
- We will adopt criteria for former tenants arrears write-off.

The following is set out in our voids policy.

- We will carry out housing benefit checks at the start of a tenancy and if arrears emerge.
- We will arrange home visits prior to keys being handed in at the end of the tenancy and discuss any outstanding debt.

Rent arrears

If you have any outstanding debt to do with your tenancy, we may suspend your application until;

- the amount you owe is less than the equivalent of one months rent of the tenancy; or
- You have agreed with your landlord an arrangement for paying the debt; and
- You have made the agreed payments for at least 3 months; and
- You are continuing to make such payments.

We will disregard outstanding debts, which are more than 5 years old.

We will not suspend your application where overpayments of housing benefit were clearly a result of errors made by housing benefit administration.

We will not suspend your application for mortgage arrears, council tax arrears or other unpaid debts not directly relating to a tenancy

Debt related to a tenancy includes:

- Service charges
- Rechargeable repairs
- Cleaning a house, which was not left in clean, tidy and in good decorative order
- Costs of clearing an abandoned house and storing furniture
- Charges for heating in some circumstances
- Factoring or property management charges

Debt related to a tenancy does not include:

- One-off charges
- Garage rent

We will not suspend homeless people for debts left in temporary accommodation, if the temporary accommodation was short term such as bed and breakfast accommodation or hostel accommodation where no tenancy was created.

We will also not suspend homeless people for debts left in temporary accommodation where we have a duty to provide permanent accommodation under homelessness legislation.

We will consider each applicant's circumstances on an individual basis. In exceptional circumstances, for example where the debt accumulated as a result of genuine hardship and financial difficulties, we will not suspend your application. In reaching this decision we will take into account the extent to

which the debt has been a result of wilful non-payment or action on your part and the extent to which accumulation of debt is fall-out from other problems, which you have faced. We will also take into account the consequences of suspension from the housing register.

We will review suspensions for rent arrears every six months.

Definitions

Exclusion happens when you apply to go on the housing register but are refused access to that register.

A **suspension** happens when you have been assessed for and accepted onto our housing register but you are told that you are not eligible for an allocation to, or will not be offered housing until:

- A certain period has elapsed
- Your conduct has changed; or
- A change in your circumstances has occurred

Conduct Suspensions are restrictions as a result of an action by you or in some cases, by a member of your household. Examples include: previous rent arrears or other debts – including rechargeable repairs or service charges: previous behaviour, such as anti-social conduct: or refusal of previous offers of accommodation.

Eligibility Suspensions are restrictions, which are a result of your current circumstances. Examples include restrictions placed on homeowners, or on people with income or savings above certain levels or on people without a local connection. A particular example relates to applicants with support needs, where the landlord organisation is reluctant to offer accommodation, unless a support package is put in place.

cancellations

We will not cancel your application unless:

- You have requested we cancel it (usually in writing)
- On the death of the applicant
- If you do not respond to your annual review letter
- If you are a transfer applicant and terminate your tenancy

When you apply, if we need further information from you, your application will be placed on the housing register, but will be marked as **pending** until you have provided the information needed to assess your housing need.

You can ask that your application is **deferred** until a future date if you do not want to currently be considered for housing, or we can defer your application until

a future date if you do not currently have a housing need e.g. if you live in tied accommodation, are in prison or in the armed forces.

Antisocial Behaviour

If you are in breach of any of your tenancy conditions we may suspend your application. In reaching this decision we will take into account the seriousness of the breach and will disregard less serious breaches of tenancy.

We may also suspend your application if there is clear evidence, e.g. from police reports or fire authority reports on current or recent antisocial behaviour directly relevant to your tenancy including:

- Relevant criminal convictions (i.e. relevant to a tenancy or to community safety)
- Drug-dealing from a tenancy
- Prostitution from a tenancy
- Fire-raising
- Extensive damage to a landlord's property
- Harassment of or threats to neighbours

We will suspend your application if you or a member of your household have previously been evicted for antisocial behaviour, have a decree granted or have an ASBO (anti social behaviour order) granted.

We will suspend your application if you are violent or threatening towards staff, either in the housing office or in the estates where we have houses. In reaching this decision, we will take into account the level of seriousness and the circumstances in which the conduct arose e.g. the conduct should be at a level of seriousness that could or should lead to you being charged.

We will suspend your application for antisocial behaviour until there is evidence of a change in your behaviour e.g. evidence from a probation officer or a social worker or your current landlord which shows a change in behaviour for at least a period of three months.

We will review suspensions for antisocial behaviour every six months.

Condition of house or tenancy

We may suspend your application if you are currently a tenant of Shetland Islands Council and you are not maintaining your home to the standard specified in your tenancy agreement.

This could include not keeping your garden or the common areas in a clean and tidy condition; not controlling or tidying up after your pets; not disposing of rubbish appropriately; or vandalism of the property.

We will suspend your application until there is evidence that you are maintaining your home to the agreed standard for a period of at least three months.

We may suspend your application if you have an unauthorised lodger until permission for the lodger is given or until the lodger moves out if permission cannot be given. We will not suspend the unauthorised lodger for this reason alone.

We will review suspensions for the condition of your house or tenancy every six months.

Refusals

We will suspend your application for a period of up to six months if you refuse two reasonable offers of accommodation from the Council or of accommodation offered by Hjaltland Housing Association as a result of a nomination from the Council.

In reaching the decision on whether offers of accommodation are reasonable or not, we will take into account any exceptional social or medical circumstances your household may have.

We will not consider a refusal due to the condition or standard of the property as reasonable unless you have first contacted us to discuss the problems prior to formally refusing the offer, as these problems can usually be resolved

If you refuse an offer of accommodation, we will review your areas of choice and property types, with the expectation that these will be narrowed down to better reflect your choice and housing need following discussion with you.

Local Connection

If you are not currently resident in Shetland you will not be made an offer of accommodation unless you:

- a) Are employed, or have been offered employment in Shetland
- b) Wish to move to Shetland to seek employment
- c) Wish to move to Shetland to be near a relative or carer
- d) Have special social or medical reasons for requiring to be housed in Shetland
- e) Are subject to harassment and wish to move to Shetland

- f) Run the risk of domestic violence and wish to move to Shetland.

When considering if you can be allocated a property under paragraph item a), we will carry out reasonable checks to confirm you are in employment or that you have been offered employment. For example we will contact your employer or your prospective employer.

Under item b), if you are actively seeking employment, you will be asked to provide copies of correspondence relating to any applications you have made, or the contact details of your prospective employers. We may also take into account the type of employment you are seeking in relation to available employment in Shetland.

Under items c), contact will be made with your relative or your support agencies as appropriate.

Under item d), consideration will be given to the nature of the social or medical reason for your application, and whether or not it can or will be met and improved by a move to Shetland. Contact will be made with relevant agencies e.g. Social Work, Education, GP, and District Nurse as appropriate.

Under item e), confirmation that you are subject to harassment will be sought from the Police and / or your current local authority.

Under item f), confirmation of your circumstances may be sought if appropriate.

Your application will be suspended until you have a valid local connection e.g. the offer of a job. We will review suspensions for local connection every twelve months.

Fraud or False Information

We will suspend your application for a period of up to six months if you deliberately give us false information or don't tell us something that is relevant to your application, in order to gain advantage over other applicants in housing need.

In reaching this decision we will take into account your housing needs and the consequences of suspending your application from the housing register.

If we make you an offer of accommodation, based on false information, or due to your failure to advise us of a change in your circumstances, which affects the number of points you have, we will withdraw the offer of accommodation and your application will be suspended for up to 12 months.

We may also refer the matter to the police for further investigation. In some circumstances you may become subject to a fine not exceeding £5,000.

If it comes to our attention that a tenant has obtained their Council accommodation as a result of providing false information or withholding information, legal action will be pursued and may result in the loss of tenancy or criminal proceedings.

Housing Support

We do not wish to see vulnerable applicants set up in a new home only for the tenancy to fail, as we recognise this is bad for your self-confidence and that of your household, bad for us as your Landlord and bad for the community.

If we anticipate that you have support needs we will involve Social Work and / or other organisations involved in support provision at an early stage. Where appropriate your family or carer will be involved in the needs assessment.

We may suspend your application if we believe you have support needs, which will affect your ability to sustain your tenancy, if that support is not available, or if you refuse to allow us to assess your support needs or if you refuse to accept the support offered.

We will suspend your application until such time as the support is available or you allow us to assess your support needs or we can negotiate an agreed support package with you, which you will accept.

We will review suspensions for support needs every six months.

Income or property ownership

We will not take your income into account in making an allocation of housing. We will also not take into account whether you currently own or have owned property of whatever value.

We will take your income or property ownership into account in providing advice about your overall housing options.

Moving to less suitable accommodation

If you move to less suitable accommodation, which would increase your points due to:

- Overcrowding
- Lack of amenities
- Sharing amenities
- Mobile home points
- Insecurity of tenure

We will suspend your application for a period of six months, unless in our judgement there was a valid reason for the move, e.g. to prevent homelessness, severe relationship breakdown or medical reasons.

Right to Buy

We will suspend your application if you are currently a tenant of Shetland Islands Council and you apply to buy your house, until the sale has been finalised. Your application will then be changed from a transfer application to a waiting list application for the purposes of the quota system.

We will review suspensions for right to buy every six months.

Abandonment or voluntarily leaving a tenancy

We will not suspend your application if you have abandoned or voluntarily left a previous tenancy, unless there are other issues which would lead to your application being suspended.

Evictions

Evictions due to debt or antisocial behaviour are discussed earlier in this Section.

If you have been evicted because someone residing in your house, or anyone visiting it, has been convicted of using the house or allowing it to be used for illegal or immoral purposes or a criminal offence, punishable by imprisonment, which was committed in the house or the locality, we will suspend your application for a period of up to six months.

If you have been evicted because you, and your spouse or co-habitee, have been absent from the house for more than six months without good reason, or you have stopped living in it as your principal home, we will suspend your application for a period of up to six months.

In reaching this decision we will take into account your housing needs and the consequences of suspending your application from the housing register

Applicant not lived in a house for a specific period of time

If you are a transfer applicant, we will not suspend your application because you have not lived in your house for a set minimum period of time.

Homeless people

We are obliged to provide a permanent home to homeless people who fall into certain categories. We will not suspend unintentionally homeless people in priority need that we have a duty to provide permanent accommodation to under the terms of the homelessness legislation in any circumstances.

We may suspend intentionally homeless people or homeless people not in priority need in the same way as we would other applicants for housing.

Low or no housing need

We will not suspend your application if you have no or low housing need under the terms of our Allocation Policy. Instead we will advise you of your position on the housing register and what this means in relation to the likelihood of you being offered Council housing. We will offer advice and information on other housing options that are open to you.

Suspension Policy - Summary Table

Issue			Time	Review
Rent Arrears	Conduct	Conditional	Min three months	Six Months
Anti-Social Behaviour	Conduct	Conditional	Min three months	Six Months
Condition of House or Tenancy	Conduct	Conditional	Min three months	-
Refusals	Conduct	Time Limited	Six Months	-
Fraud or False Information	Conduct	Time Limited	Six Months	-
Moving to Less Suitable Accommodation	Conduct	Time Limited	Six Months	-
Evictions	Conduct	Time Limited	Six Months	-
Local Connection	Eligibility	Conditional	Until Met	Annually
Housing Support	Eligibility	Conditional	Until Met	Six Months
Right to Buy	Eligibility	Conditional	Until Met	Six Months
Abandonment or Voluntarily Leaving a Tenancy	Not applicable in own right			
Income or Property Ownership	Not applicable in own right			
Not Living in House for a Certain Period of Time	Not applicable in own right			
Statutorily Homeless People	Not applicable			
Low or No Housing Need	Not applicable in own right			

Section 6

Lettings Plan

Allocations will take into account the following Lettings Plan.

We will allocate vacant properties to one of three quota groups outlined below in line with agreed targets. The quota groups will consist of transfer applicants (SIC and HHA tenants), homeless applicants and waiting list applicants (all others).

The aim is to establish a balance of lets between the three groups to assist in ensuring that the range of housing needs which the policy is attempting to address is achieved. The recommended targets will be monitored throughout the year and reviewed when necessary, but at least once a year.

Targets as of 1st April 2008

Lerwick

Application Type	Quota Target	Considered for allocation
Homeless	80%	By date of application
Waiting List	15%	By application points
Transfer	5%	By application points

Landward

Application Type	Quota Target	Considered for allocation
Homeless	35%	By date of application
Waiting List	50%	By application points
Transfer	15%	By application points

The Head of Housing, or nominee, in consultation with the Allocation Monitoring Group has delegated authority to change the quota targets during the year.

Equal Points

If two or more people have the same number of points, we will usually offer the house to the person who has been on the housing register the longest.

Joint Tenancies

We will offer you a joint tenancy if your application is in more than one name unless there are exceptional reasons for not doing this.

Allocation Of General Needs Properties

Vacant properties will usually be allocated to the first applicant on the housing register in one of three quota groups who require the size of the property that is available in an area of choice.

If you are a transfer or waiting list applicant your position on the register will depend on the number of points you have. If you are a special case, incoming worker or homeless applicant your application is considered on the date your application was made and not by points level.

Allocation On Management Grounds - making best use of our housing stock

We will only allocate a property on management grounds in exceptional circumstances, normally to ensure the best use is made of our housing stock.

The following are situations where we may use management grounds to allocate a property:

- If you are a Council tenant you may be offered a transfer on management grounds to assist in the refurbishment of a Council stock; or
- If you are a council tenant you may be offered a transfer on management grounds where it is recognised that extensive social adaptations are required to your existing property and an alternative suitable property becomes available prior to adaptation work being undertaken.
- If you are a Council tenant you may be offered a transfer on management grounds to release a property for which there is currently an exceptional need e.g. a ground floor property with level access that could be fully utilised by a highly pointed applicant who is a wheelchair user.
- If a property has been adapted or has good access, i.e. amenity standard and would be more suitable for applicants with mobility problems.
- If you are highly pointed and your points include insecurity of tenure points, and we are satisfied that actual homelessness could occur, you may be allocated a property in order to prevent homelessness.
- If the property has been assigned a particular quota, but you have significantly more points than the first applicant in that quota group.

Allocation Of Supported Accommodation Properties

If you have been assessed as having community care needs you have the right to apply for council housing. You will be allocated points in line with this policy.

In cases where there are complex community care needs, we will work jointly with you, your carers, Social Work, the Shetland Health Board and any other relevant agencies to determine the most appropriate form of housing.

Annsbrae House

Annsbrae House provides self contained, supported tenancies to applicants with mental health problems.

Whether you are suitable for allocation to a property within this development does not depend solely upon your points level. Issues such as compatibility with other tenants and your care needs are taken in to account.

Allocation of council properties to applicants within Annsbrae House will be jointly assessed and undertaken by the Annsbrae Management Team (which includes Housing, Social Work and the Health Board). Only applicants with a complex community care needs assessment will be considered for this type of accommodation.

Independent Living Scheme

The Independent Living Scheme provides shared supported accommodation for applicants with learning disabilities.

Issues other than your points level, such as compatibility with the other tenants and your care needs will be taken into account when allocating a property.

Allocation of council properties to applicants within the Independent Living Scheme are jointly assessed with Social Work. Only applicants with a complex community care needs assessment will be considered for this type of accommodation.

Allocation of Sheltered Housing Properties

You can apply for sheltered housing by completing a housing application form (section 4 of the application form asks if you would like to be considered for sheltered housing).

Once we have your application, a housing officer will arrange an appointment to see you at your home to carry out a sheltered housing assessment.

Requests for sheltered housing assessments may also be received from existing applicants either directly or through a referral, from Social Work for example.

To be assessed as requiring **sheltered housing** you should have:

- A housing need e.g. lack of amenities, overcrowding, housing related medical needs; and
- A need for the services of a Housing Support Worker e.g. you are isolated and your basic needs cannot be met by family or friends, or you need the caretaking services of the Housing Support Worker such as assistance with repairs, emergency heating and lighting; and
- A need for the community alarm service.

Allocations for vacancies at the very sheltered accommodation at King Erik House will be undertaken jointly by Housing and Social Work.

To be assessed as requiring **very sheltered housing** you should have:

- A housing need e.g. lack of amenities, overcrowding, housing related medical needs; and
- A need for the on-site support and care services 24 hours per day; and
- A need for the community alarm service

We will notify Social Work in writing that we have carried out a sheltered housing assessment with details of any relevant issues. Social Work will assess whether there are any other issues such as your support needs, existing care packages and other social factors that need to be taken into account. In cases where the needs are complex this may involve a joint visit between Housing and Social Work.

Your community care assessment must be current and indicate that you have complex community care needs.

Social work will inform Housing of any relevant issues. Housing will then award the following Priorities where appropriate:

- **Priority 1.** You have an urgent housing need and a high level of need for support from a Housing Support Worker
- **Priority 2.** You have a high level of need for support from the Housing Support Worker. You also have a housing need.
- **Priority 3.** You are relatively independent and would require the support of a Housing Support Worker on a limited basis. You also have a housing need.

Allocation of 'Low Demand' properties

A low demand property (whether empty or occupied) is a property where one or more of the following exists:

- A small or non-existent waiting list for the property;
- tenancy offers are frequently refused for reasons other than personal reasons;
- higher than normal rates of tenancy turnover in the area.

If a vacant property is assessed as being 'low demand', it will be advertised in the local papers and on the Council's website. Expressions of interest will be invited from applicants registered on the housing list.

The advert will state the preferred application group as determined by the quota for the vacancy as well as the size and location of the vacant property.

You do not need to have applied for housing in the area where the property is to be considered for the vacancy but you must have an active application for housing and be eligible for allocation under the terms of the Allocation Policy.

Vacant 'low demand' properties will usually be allocated to the first applicant on the housing register who has expressed an interest in the property and who is in the assigned quota group for the size of property being advertised.

If you are a transfer or waiting list applicant your position on the register will depend on the number of points you have. If you are a special case, incoming worker or homeless applicant your application is considered on the date your application was made and not by points level.

If no one in the assigned quota group applies, the property will be offered first to any homeless applicant who has applied then to the highest pointed applicant in a different quota group.

If no one who needs the size of property being offered for let applies, we will then consider applicants who need a bigger or smaller property in line with the above procedure.

Refusing An Offer Of Accommodation General Needs And Transfer Applicants

You will receive up to a maximum of two reasonable offers of accommodation.

We consider a reasonable offer of accommodation to be accommodation that meets your household's needs based on the information held in relation to your application by us at the time of allocation.

Any change of circumstances relating to you and your household should be notified to us as soon as possible so that these can be taken in to account in considering you for housing.

If you wish to refuse a property due to the condition or standard of the property you should contact us to discuss the problems prior to formally refusing the offer. Refusals due to the condition or standard of the property may not be considered reasonable, as these problems can usually be resolved.

If you refuse an offer of accommodation, you should tell us your reasons for doing so, preferably in writing.

We will then make a decision as to whether or not we consider your refusal to be reasonable. In reaching this decision we will consider any exceptional social or medical circumstances within your household.

If your refusal is considered to be reasonable, the offer will be withdrawn.

If there is no special reason for your refusal of the offer, the offer will stand and only one further offer of accommodation will be made.

Your areas of choice and property types will also be reviewed with the expectation that these could be narrowed down following discussion with you.

If there are no special reasons for your refusal of a second offer, then your application may be removed from the housing register for a period of up to 12 months.

Refusing An Offer Of Accommodation Homeless Applicants

You will receive up to a maximum of two reasonable offers of accommodation.

We consider a reasonable offer of accommodation to be accommodation that meets your household's needs based on the information held in relation to your application by us at the time of allocation.

Any change of circumstances relating to you and your household should be notified to us as soon as possible so that these can be taken in to account in considering you for housing.

If you wish to refuse a property due to the condition or standard of the property you should contact us to discuss the problems prior to formally refusing the offer. Refusals due to the condition or standard of the property may not be considered reasonable, as these problems can usually be resolved.

If you refuse an offer of accommodation, you should tell us your reasons for doing so, preferably in writing.

We will then make a decision as to whether or not we consider your refusal to be reasonable. In reaching this decision we will consider any exceptional social or medical circumstances within your household.

If your refusal is considered to be reasonable, the offer will be withdrawn.

If there is no special reason for your refusal of the offer, the offer will stand and only one further offer of accommodation will be made.

Your areas of choice and property types will also be reviewed with the expectation that these could be narrowed down following discussion with you.

If there are no special reasons for your refusal of a second offer, then your application may be removed from the housing register for a period of up to 12 months.

Refusing An Offer Of Accommodation Special Case Applicants

You will receive up to a maximum of two reasonable offers of accommodation.

We consider a reasonable offer of accommodation to be accommodation that meets your household's needs based on the information held in relation to your application by us at the time of allocation.

Any change of circumstances relating to you and your household should be notified to us as soon as possible so that these can be taken in to account in considering you for housing.

If you wish to refuse a property due to the condition or standard of the property you should contact us to discuss the problems prior to formally refusing the offer. Refusals due to the condition or standard of the property may not be considered reasonable, as these problems can usually be resolved.

If you refuse an offer of accommodation, you should tell us your reasons for doing so, preferably in writing.

We will then make a decision as to whether or not we consider your refusal to be reasonable. In reaching this decision we will consider any exceptional social or medical circumstances within your household.

If your refusal is considered to be reasonable, the offer will be withdrawn.

If there is no special reason for your refusal of the offer, the offer will stand and only one further offer of accommodation will be made.

Your areas of choice and property types will also be reviewed with the expectation that these could be narrowed down following discussion with you.

If there are no special reasons for your refusal of a second offer, then your application may be removed from the housing register for a period of up to 12 months.

Letting Profile Areas

Certain groups of properties are designated as having specific letting profiles to ensure sensitive lettings.

These properties will be highlighted and advertised as being part of a letting profile area. Only a small number of properties are part of the scheme and are the exception rather than the rule.

Letting profile areas will be reviewed as necessary but at least once a year to determine whether it is appropriate for them to remain as letting profile areas.

Letting profiles areas for the year 2007/2008 will be:

- 1-9 St Olaf Street;
- 47 St Olaf Street;
- High Street;
- Parkfield;
- 12a North Road;
- Rudda Park;
- Firth & Mossbank.

The Head of Housing, or nominee, in consultation with the Allocation Monitoring Group is given delegated authority to add letting profile areas based on prevailing need at the time.

Conversion Of Properties

Occasionally we may identify a property, usually within a refurbishment scheme, which we consider to be suitable for conversion from family size accommodation to smaller accommodation. Alternatively, we may identify two properties, which can be combined into one to create larger family accommodation.

The conversion of properties enables us to make the best use of our housing stock to meet demand and provide for those in housing need.

The ability to convert properties is dependant on available capital budgets, which are determined at the start of each financial year.

A decision to convert a property will be undertaken in consultation with the Councillor for the area.

The allocation of any properties converted will be in line with our allocation policy.

We will undertake an audit of our council stock to find out which properties may be suitable for conversion to either larger or smaller accommodation. If two properties are identified as being suitable for conversion to larger accommodation and if one of these properties becomes vacant, we may approach the neighbouring tenant to find out if they would be interested in a transfer to another vacant property

Community Care Adaptation or Extension

If you need major adaptations or an extension to meet a community care or social need, we will carry out a 'special case' assessment on your application.

You will only be awarded 'special case' status in exceptional circumstances. Your application will only be considered for 'special case' status if all of the following criteria apply:

- You are considered to be in acute housing need;
- Your application has been assessed and awarded the full entitlement to points under the terms of the council's allocation policy;
- There is a significant factor or factors or special circumstances in relation to your housing need, which is not reflected in the points assessment;
- It is accepted that there is no reasonable prospect of your acute housing needs being met within an appropriate time scale;
- You have considered alternative areas of choice and we have discussed this with you, but we have accepted that a change is not appropriate.

The possible solutions to your housing need could include:

- Converting two houses into one
- Converting your loft
- Adding an extension
- Adapting the layout of your existing home
- Offering you a transfer to an alternative, more suitable property
- Building a new, suitable property: or
- You buying, building or renting a more suitable property

We will make a recommendation for the most appropriate options and will take cost in to account where there is more than one practical option.

Once agreed, your application will then be added to an annual rolling programme of planned community care works.

The work will generally be carried out in date order, however consideration will be given to the individual circumstances of all special case applicants, the solution recommended and the available annual budget.

Vacant Sheltered Housing

Where there are vacant sheltered properties within a sheltered scheme these can become available for let to applicants who would not normally be assessed as requiring sheltered accommodation.

These properties will be allocated to ensure the best use of the Council's stock but also as a means of sustaining local communities by making properties available to younger applicants.

In allocating vacant sheltered housing the following priorities will be applied:

- 1 All applicants assessed as requiring sheltered housing under the existing sheltered housing assessment process will be given priority over all other categories of applicant.
- 2 Applicants eligible to be on our housing register, living within the local community or living out with the area but who have a local connection (family associations, or have previously lived in the area, or who work or have been offered employment in the local community) will then be considered.
- 3 All other applicants eligible to be on the housing register will then be considered.

If you fall into category 2 or 3 your application will be pointed in line with the Allocation policy. It is important to note that as these properties are within sheltered schemes we will consider the overall impact of an allocation of vacant sheltered housing on other tenants in the area and aim to allocate these properties sensitively. You will not be considered for this type of accommodation where there is evidence of past anti-social behaviour in your existing or previous accommodation. Information will be sought from your landlord and other agencies such as the Police and Social Work.

If you do not agree with the decision regarding your application you can appeal or ask for a review of your application.

Tenants of these properties can receive the support of the Housing Support Worker as required.

Designated Sheltered Housing

If you live in a property that has been designated as a sheltered house you will receive the services of the Mobile Housing Support Worker. Your property will have been fitted with emergency lighting and a Homelink community alarm unit. You will also receive a heating subsidy.

The designation of this type of housing usually only lasts for the duration of the tenancy. Where the tenancy ends, the property would revert to general needs accommodation.

Section 7

Relocation Housing

This section of the policy applies to all new Council employees who have been appointed to nationally advertised posts and are required to relocate from the UK mainland.

General Information

If you are taking up employment with the Council and are relocating from the UK mainland, we will try to make accommodation available to you.

We have up to 20 properties reserved in areas throughout Shetland for Council staff relocating from the mainland: for example Firth, Ollaberry, Virkie, Vidlin, South Nesting, North Roe, Urafirth, Walls, Yell, Whalsay, Bressay and Voe. These areas can change and are regularly reviewed depending on demand.

The houses are let on a Short Scottish Secure Tenancy Agreement and are available for a period of up to two years from the date of your relocation to assist you while you are finding your own permanent accommodation.

There is no guarantee that an offer of housing will be made prior to the start date of your employment.

You may have to find your own accommodation initially. In this case you may claim the temporary private accommodation allowance detailed in the Flexible Relocation Package until a relocation house can be offered to you.

In the event that no house becomes available, you may continue to claim the temporary private accommodation allowance for a period of up to 52 weeks.

We will only make up to two offers of relocation accommodation to you. A second refusal, which we deem to be unreasonable, will result in your application being suspended from the waiting list for a period of 12 months and your temporary private accommodation allowance being ended.

You should contact the Housing Service as soon as possible after being offered your post to discuss the relocation housing options available to you and to confirm the application process.

How to Apply for Relocation Housing

You should complete an application for relocation housing when you are offered employment with the Council. If you have a preference between any of the above areas, you may state it on your application form.

Offers of accommodation depend on the availability of suitable properties. You will be allocated the size of property you require under our normal policy and in date order based on the start date of your employment.

Standard of Accommodation

The accommodation is carpeted and curtained throughout and is decorated to a high standard. Furniture or white goods are not provided in the accommodation. The rent is set to reflect the additional costs of providing carpets, curtains and decoration.

Post start date applications

If you apply for relocation housing after you have started your employment with the Council, accommodation will only be offered if there are vacant relocation houses and no demand for those vacancies.

Conversion of short SST to SST

Depending on overall demand for relocating workers houses and the number of suitable vacancies to meet demand at the time, you may be able to stay in your house once the two-year period is up through the conversion of your short Scottish Secure Tenancy to a full Scottish Secure Tenancy.

If you have been unable to find alternative housing during your stay in relocation housing, you should contact the Housing Service to discuss your housing options at least three months before your tenancy end date.

Other Housing Options

If you do not wish to move into any of the relocation housing available at the time of your move you can apply for housing in any other area of Shetland.

Your application will be considered under the terms of the allocation policy in line with all other housing applications. There is high demand for housing in Lerwick and Scalloway which means it is unlikely you will be offered Council housing in these areas.

Further housing advice can be obtained on the Housing Options Guide website at <http://www.shetland.gov.uk/housingoptionsguide>

Temporary Private Accommodation Allowance

The Temporary Private Accommodation Allowance can only be claimed if you are living in private accommodation. It cannot be claimed if you are living in council accommodation.

Other Relocating Employees

All other relocating employees will be assessed as waiting list applicants under the terms of the allocations policy.

We aim to develop a key workers policy during 2007/08.

Designated Remote Area Schoolhouses

The Council has agreed that teaching staff will be entitled to assistance with housing if they are employed to work at schools in designated remote areas. These remote areas are: Fair Isle, Fetlar, Foula, Papa Stour, Skerries, Whalsay, Unst, and Yell. These areas are subject to review as necessary.

These properties are allocated in consultation with the Education Service as follows:

- First preference is given to teaching or other staff who require the accommodation in order to work at the school. The tenancy offered will be a Short Scottish Secure Tenancy tied to employment at the school.
- If no member of teaching staff requires the accommodation, the schoolhouse may be let to a relocating employee of the Council or other key worker as defined in the key workers policy. The tenancy offered will be a Short Scottish Secure Tenancy for up to two years.
- If neither of these groups requires the accommodation, the property may be used as temporary accommodation for homeless applicants.

Standard of Accommodation

The accommodation is carpeted and curtained throughout and is decorated to a high standard. Furniture or white goods are not provided in the accommodation. The rent is set to reflect the additional costs of providing carpets, curtains and decoration.

How to apply for a Designated Remote Area Schoolhouse

You should complete an application form when you are offered employment with the Shetland Islands Council's Education Service. You should note on the application form the school where you will be taking up employment, and select this same area as your area of choice for housing.

Although first preference is given to teaching staff that require the accommodation in order to work at the school, occasionally vacant designated remote schoolhouses are let on a temporary basis to other Shetland Islands Council staff.

Because of this, there is no guarantee that the accommodation will be available to you prior to the start date of your employment. You may have to find your own accommodation initially. In this case you may claim the temporary private accommodation allowance detailed in the Flexible Relocation Package until the schoolhouse can be offered to you.

Post start date applications

If you apply for relocation housing after you have started your employment with the Council accommodation will only be offered if there are vacancies in your school's area and no other demand for those vacancies.

You should contact the Housing Service as soon as possible after being offered your post to discuss the relocation housing options available to you and to confirm the application process.

Other Housing Options

If you do not wish to move into the designated schoolhouse, you can apply for relocation housing under the terms of the 'Relocation Housing for New Employees' policy. A copy of this policy is available from the Housing Service.

Your application will be considered under the terms of the allocation policy in line with all other housing applications. There is high demand for housing in Lerwick and Scalloway which means it is unlikely you will be offered Council housing in these areas.

Further housing advice can be obtained on the Housing Options Guide website at <http://www.shetland.gov.uk/housingoptionsguide>

Section 8

Garage Allocations Policy

In order for the Shetland Islands Council to allocate a garage a completed application form must have been received from the applicant.

Garage applicants will be pointed depending on the criteria shown below...

1. If the applicant is an SIC Tenant.

- If the applicant is a named tenant on a current SIC tenancy, and has signed the relevant SST then 10 (ten) points should be awarded.
- If the applicant has a current active application to be housed with the SIC then 5 (five) points should be awarded.
- If the applicant is not a council tenant and does not have a current active application to be housed by the SIC then 0 (zero) points should be awarded.

2. If the applicant is living in the area in which he/she has applied for a garage.

- The area is the management area in which the garage is situated (i.e. a garage in Sandveien is in the area 'Lerwick Sound' and a garage in Midlea is in the area 'Firth').
- If the applicant's main residence is in the area in which he or she has applied for a garage then 10 (ten) points should be awarded.
- If the applicant has applied to be housed with the SIC in the area in which he or she has applied for a garage then 5 (five) points should be awarded.
- If the applicant does not live within the area in which he or she has applied for a garage and does not have a current active application to be housed in that area then 0 (zero) points should be awarded.

3. If the applicant's household already rents a garage from the Shetland Islands Council.

- If the applicant currently rents a garage from the SIC then 0 (zero) points should be awarded.
- If the applicant does not currently rent a garage from the SIC but another person residing at the same address does currently rent a garage from the SIC then 5 (five) points should be awarded
- Or
- If the applicant or any other person residing at that address does currently rent a garage from the SIC, but that garage is located in an area different to that which the applicant resides in then 5 (five) points should be awarded.
- If neither the applicant nor any other person residing at the same address as the applicant currently rent a garage from the SIC then 10 (ten) points should be awarded.

4. If the applicant is a current Council house tenant and has any Rent Arrears with the Shetland Islands Council.

- If the applicant is a current Council house tenant and has no arrears or is in credit on their rent account then 10 (ten) points should be awarded.
- If the applicant is a current Council house tenant and the amount they owe is less than the equivalent of one months rent of the tenancy; or
- they have agreed an arrangement for paying the debt, they have made the agreed payments for at least 3 months and they are continuing to make such payments then 5 (five) points should be awarded.
- If the applicant is a current Council house tenant and has arrears on their Rent account, has no agreement in place, has defaulted on an agreement or the amount of the arrears is at a level greater than or equivalent to 1 months current rental charge for the property, then 0 (zero) points should be awarded.
- In cases of extreme Arrears, the SIC reserves the right to refuse to allocate a garage to an applicant regardless of how many points they may have and where they are on the application waiting list.

5. Intended use of garage

- If the applicant intends to use the garage to house a vehicle whilst not in use, then 10 (ten) points should be awarded.

- If the applicant intends to use the garage for domestic storage purposes, other than housing a vehicle whilst not in use the 5 (five) points should be awarded.
- If the garage is to be used for any purpose, other than those detailed above then 0 (zero) points should be awarded.

6. Length of time on the waiting list

- For each full year an application has been on the waiting list, 2 (two) additional points will be allocated.

Offers of allocation of a garage are to be made in writing and will include details of the commencement date, charges*, and any other details relevant to the letting of the garage.

**Charges may include V.A.T. where the tenant is not a council house tenant.*

Offers must be accepted in writing, and a Tenancy Agreement signed by both the applicant and an authorised representative of the Shetland Islands Council and witnessed by an independent third party.

Having accepted the offer and signed the Tenancy Agreement the new tenant of the garage must then make an initial payment of not less than 2 (two) weeks rent to the Shetland Islands Council and make a suitable arrangement for the ongoing rental charges.

The Head of Service for Housing reserves the right to refuse the allocation of a garage to any applicant.

Garage Applicants - Summary of Points System

Criteria	Points	Points	Points
	10	5	0
SIC Tenant	Yes	No, but has current active housing application	No
Live In Area	Yes	No, but has current active housing application	No
Already Has SIC Garage	No	Yes, outwith area, or other member of household has garage in area	Yes
Has Arrears	No	Yes but has arrangement in place	Yes
Use of Garage	Vehicle	Domestic Storage	Other
Waiting Time	2 points awarded for each full year on waiting list		

Section 9

HomeSwapper

HomeSwapper.co.uk is for social tenants looking for a house swap (often called a "mutual exchange") whether it is a housing association or council house exchange. There is a small admin charge for using this service.

An applicant registers with the Homeswapper Website at www.homeswapper.co.uk and can choose up to 9 areas to move to. The applicant will then be matched to any suitable exchanges meeting their criteria. These matches are placed in 'My Matches', a page on the website that is available after you have logged in.

An applicant can be prompted about new matches by email or text message. Homeswapper may produce printed list of people who want to move within or into Shetland from all over Britain. The details may also be distributed and displayed in housing offices across Britain.

Once two tenants from different parts of the UK agree they would like to swap houses, the mutual exchange can go ahead – subject to the formal approval required of each tenant's landlord.

Mutual Exchanges

Council tenants wishing to move to alternative accommodation are encouraged to organise mutual exchanges of property with other tenants of the Council or Hjaltland Housing Association through the Shetland Mutual Exchange Scheme. An exchange can only be considered where the tenancy is a secure tenancy.

Tenants who are mutually exchanging within Shetland may be eligible for a Transfer Payment of £700, where they meet the conditions below.

Exchanges between tenants of the council and owner-occupiers or tenants in privately rented accommodation cannot be considered.

We do not unreasonably refuse any mutual exchange, however, the following are the most common reasons why we would not agree to you exchanging your tenancy:

- Where a notice of recovery of possession has been served against one of the tenants.
- An order for recovery of possession has been made against one of the tenants.
- If a payment has been received by either tenant in relation to the mutual exchange.
- The mutual exchange would result in substantial under-occupation or overcrowding.
- Either tenant has substantial rent arrears and has not made arrangements to reduce them.
- Legal action against one of the tenants is ongoing or has been instructed by us.
- A serious breach of one of the tenancy agreements is being investigated.
- There is reason to believe that the exchange would lead to a serious breach of one of the tenancy agreements.
- There are major refurbishment works that need to be carried out to the property.
- Either house is currently a matrimonial home and the partner does not live with the tenant but may have rights to the tenancy.
- We are not satisfied that any tenant wishing to exchange in to one of our properties intends to remain in the property for at least 6 months.
- If we have specially adapted the property, to meet the specific needs of the individual tenant, and the adaptations are not required by the proposed exchange tenant then the exchange may be refused. Similarly, the proposed exchange would result in a need for either property to be adapted or extended the exchange may be refused.

In exceptional circumstances the Housing Service may relax the above conditions e.g. where a disabled tenant in an adapted property would significantly benefit from a move to alternative accommodation.

An exchange tenant will be expected to accept the Council's property in its existing condition. Where any non-standard features exist e.g. garden sheds, built in kitchen appliances, shower etc. the incoming tenant will be expected to accept future responsibility for the maintenance, replacement and / or reinstatement of these.

If there is any damage within a property we may require the current tenant to reinstate to an approved standard prior to the exchange being approved.

Each tenant must put their request in writing to their own landlord. In the case of a joint tenancy each joint tenant must sign a written request.

An exchange must not take place until consent has been given in writing and all parties have signed the necessary documents.

Please note that an exchange results in a new tenancy and this may affect your discount in relation to your Right To Buy.

Further Information

A mutual exchange leaflet and application form are available on our website at www.shetland.gov.uk/housingoptionsguide/councilhousing/documents/MutualExchange.pdf

www.shetland.gov.uk/housingoptionsguide/councilhousing/documents/FolderApplicationForm.pdf

Help is also available from Housing Staff.

Section 10

Nomination Agreement Between Shetland Islands Council And Hjaltdland Housing Association

Summary of Nomination Agreement

Introduction

Outlines the nomination arrangement agreed between Hjaltdland Housing Association (HHA) and Shetland Islands Council (SIC) and its aims

Liaison Arrangements

Identifies staff with referral responsibility

Stock Information

Notes agreement for HHA to provide the SIC with a copy of the Communities Scotland Annual Performance & Statistical Return form and detailed new stock information

Referral Process

Outlines agreed referral procedure between SIC and HHA

New Build Developments

Notes that discussion should take place between SIC and HHA in relation to quotas for new build developments

Publicising the Approach

Details publicity arrangements by HHA and SIC

Performance Monitoring

Nomination arrangement to be monitored on a quarterly basis and a full review to be held annually.

Review Date

Agreed annual review arrangements

Introduction

This document outlines the nomination arrangement agreed by Hjaltland Housing Association (HHA) and the Shetland Islands Council (SIC). The nomination arrangement will assist those in housing need who are registered on the Council's housing list to gain access to affordable social rented accommodation.

The aim of introducing this arrangement is

- To achieve a 50% nomination rate to properties allocated by HHA in line with Communities Scotland best practice;
- To ensure the allocation of properties through the nomination arrangement are undertaken promptly to minimise void times.

HHA operate a choice based lettings scheme and this will now include the nomination arrangement with the SIC. All of HHA's vacant properties will be advertised in the Shetland Times or on HHA's website at www.hjaltland.org/

Every second HHA vacancy will be available for nomination. This will ensure a 50% nomination rate in line with Communities Scotland's best practice. HHA will not apply any group categories to these vacancies.

This nomination arrangement commenced as a pilot in April 2007 for one year.

Liaison Arrangements

Both organisations have named officers with contact telephone numbers with day-to-day responsibility for referrals.

Stock Information

HHA agrees to provide the SIC with full detailed information of its stock numbers by type and apartment size for the Shetland area by forwarding annually a copy of the appropriate pages of the Communities Scotland Annual Performance & Statistical Return (APSR) form.

Detailed information on all new stock becoming available within the working financial year will be given as and when a house / scheme is complete.

Referral Process

HHA will inform the SIC when a vacancy becomes available for allocation to a person on the SIC's housing list at the same time as HHA place the advert in the Shetland Times.

This is to ensure that the SIC can make a Section 5 referral if required and so that SIC Housing Officers can contact their homeless applicants or housing list applicants to remind them to look for the advert and to contact HHA if they are interested.

HHA will complete their Choice Based Letting's Referral form which will include detailed information of the property available i.e. address, property type, size and any other relevant information which may be required by the SIC. A copy of the referral form is attached in appendix 1.

When properties are advertised the advert will detail which category of applicant can put their name forward to be considered for the property.

For example, households registered as homeless should look out for properties advertised as 'SIC Nomination – Homeless Applicant'.

Properties available to those on the SIC's general need list (waiting list and transfer applicants), will be advertised as 'SIC Nomination – General Needs Applicant'.

Lerwick Vacancies

Properties in Lerwick will be advertised as 'SIC nomination – general needs applicants' or 'SIC nomination – homeless applicants'.

If the applicant is on the SIC's housing list for any area they can register an interest with HHA for the vacancy.

In addition HHA transfer applicants will also be allowed to register an interest. This is partly because a HHA transfer applicant who has shown interest in the property will be considered a priority over a nomination where they are significantly over crowded e.g. short of two bed spaces. In this instance the property they vacate will then be made available as a nomination to SIC.

Landward Vacancies

Properties in 'country areas that become available for nomination will be advertised as 'SIC nomination'.

If the applicant is on the SIC's housing list for any area they can register an interest with HHA for the vacancy.

In addition HHA applicants will also be able to register an interest. This is partly because a HHA transfer applicant who has shown interest in the property will be considered a priority over a nomination where they are significantly over crowded e.g. short of two bed spaces. In this instance the property they vacate will then be made available as a nomination to the SIC.

The reason that all HHA applicants can register an interest in landward areas is to avoid a situation where no SIC applicants show an interest in the property and HHA have to re-advertise the vacancy. Priority will still be given to SIC applicants if they express an interest in the vacancy.

In the event that both general needs and homeless applicants show an interest in the vacancy the SIC will advise HHA which category of applicant the property should be allocated to.

Nomination Quotas

For both Lerwick and Landward vacancies, the decision on whether the property will be allocated as homeless or general needs will be done on a quota basis e.g. one property to general needs the next nomination to homelessness.

It has been agreed that the initial quota set in 2007/08, the first ear of this agreement will be 75% homeless lets and 25% general needs let. This will be reviewed at the quarterly meetings between the SIC and HHA and altered as necessary.

How to Apply

If an applicant is interested in a property that is advertised they should contact HHA before the closing date detailed in the advert, normally 2pm on Tuesday.

They can register their interest by phone on 01595 694986, by email at mail@hjalmland.org or by calling along the HHA office at 2 Harbour Street, Lerwick.

They will be asked to provide their name, address, contact number, the size of their household and their SIC homeless or housing application number if they know it. They will then be considered along with all other applicants who show an interest in that property.

Following the closing date HHA will provide a list of those who have shown an interest to the SIC to obtain the following information.

- General needs applicants – number of points/ family make up
- Homeless Applicants - date of homelessness/ family make up.

The list of interested parties will be hand delivered by HHA's Housing Assistant to an SIC Housing Assistant who will provide the relevant information.

The information provided will be ratified by an SIC Estate Manager or in their absence by another senior member of SIC Housing staff. It is agreed that SIC will provide the information required within 1 hour from receipt of the list from HHA.

The SIC agrees to provide any other information which HHA should be aware and will ensure consent is obtained where needed to share relevant information.

Properties will be let on the following basis:

- Priority will be given to a HHA transfer applicant who has shown interest in the property where they are significantly overcrowded or where there are special circumstances e.g. short of two bed spaces or medical needs. In this instance the original nomination will be discounted and the property they vacate will then be made available as a nomination to SIC. This will be counted as one nomination.
- If the SIC has specifically put an applicant forward for the let, they will then be offered the vacancy as a Section 5 referral. This will count as a successful Section 5 referral.
- Usually the vacancy will be offered to the assigned quota group (SIC) applicant. General needs applicants will be allocated on the basis of highest level of points awarded under the terms of the SIC's Allocation Policy. Homeless applicants will be allocated in date order. This will count as a successful nomination.
- If there is no interest from Council applicants or if council applicants who have expressed an interest refuse the property, it will be offered to a HHA applicant who has expressed an interest. This will be counted as an unsuccessful nomination.

The properties will also be allocated on the basis of best fit for the size of property available.

For clarification, single parents will be entitled to a double bedroom as will a single person. Applicants with access to children will be provided with 1

additional bedroom to acknowledge that their children will reside with them from time to time.

HHA agrees to assess the applicant and agrees to advise the SIC of the outcome within a target of seven working days from receipt of faxed / e-mailed information sheet. HHA agrees to keep the SIC updated on any person's assessment that is not completed within this timescale.

Detailed information will be provided by HHA regarding the outcome of the referral to SIC by completing the nomination / referral outcome form.

HHA agrees, where applicable, to advise the referral to contact the SIC if the person has refused a formal offer of housing and agrees to advise the SIC of the stated reason for refusal.

HHA will contact the applicant to advise whether they have been successful.

If you are housed following a nomination from our housing register to Hjaltland Housing Association, your application will automatically be cancelled. We will write to you to confirm that this has been done. Move to nomination section

All other HHA allocations

The remaining properties to be let will continue to be allocated following the present approach of groups plus points system. The same % lets per group will be utilised for the remaining 50% of the properties allocated to meet HHA's letting plan.

Section 5 Referrals

In the event that the SIC has specifically put an applicant forward for the let this will be classified as a Section 5 referral.

If the SIC has a specific homeless applicant (in priority need and unintentionally homeless) they wish to be allocated the property, the SIC will advise HHA using the standard nomination form by 2pm on Tuesday.

HHA and SIC staff should refer to the Section 5 Protocol Agreement for further information.

New Build developments

Shetland's Local Housing Strategy contains principles that govern new build developments, which means that both parties will enter into discussion and agree quotas for such properties.

This is to ensure that homelessness referrals have reasonable access to new stock but also allows new build developments to be allocated in such a way to achieve a balanced community.

Publicising the approach

The new system will be jointly publicised by HHA and the SIC through leaflets and flyers.

This will ensure that SIC applicants are aware of the process. This publicity will also include providing information to a wide range of support agencies such as Social Work, Youth information, Health Visitors etc to ensure that they are aware of the process and can support applicants who may need assistance to apply for housing through the choice based lettings system.

Properties will continue to be advertised in the paper, the HHA website and the SIC will also advertise these vacancies at the SIC Housing Office, Fort Road, Lerwick.

The cost of publicity and advertising properties will be shared jointly by HHA and the SIC.

Performance Monitoring

Quarterly meetings will be held between HHA and SIC staff to assess the effectiveness of the nomination arrangement. These meetings will also assess the effectiveness of the Section 5 Protocol.

A monitoring report will be produced covering the following

- Review of actual nominations against target set
- Review of type of applicant allocated against quota levels
- Access to the choice based lettings system, numbers applying and any identified difficulties for applicants accessing the system
- The effectiveness of joint working practices and any recommendations for change

Training will be provided to HHA and SIC staff to make them fully aware of the process and the advice that they need to provide to those applying for social rented accommodation.

Review Date

This nomination arrangement will be reviewed annually in April each year. The review will be undertaken jointly by HHA and the SIC.

Appendix 1

HJALTLAND HOUSING ASSOCIATION Choice Based Letting

SECTION 5 REFERRAL (To be completed by SIC)

No. Of pages including this page: 1

Date

FOR THE ATTENTION OF:

— Allocation of property under Nomination Arrangement

FROM:

Address

Number of bedrooms and
property type

This property will be allocated on
Day and Date at Time

Referral Name	
Address & Telephone Number	
Family Make up including sex and ages	
Additional Information	
Homeless Number and Date Application Accepted	
Case Officer Contact	
Referred by	
Date	

Section 5 Protocol Between Shetland Islands Council And Hjaltland Housing Association

Summary of Section 5 Protocol

Introduction

Outlines Registered Social Landlord's (RSL) Statutory duties

Liaison Arrangements

Identifies staff with referral responsibility

Stock Information

Notes agreement for HHA to provide the SIC with a copy of the Communities Scotland Annual Performance & Statistical Return form and detailed new stock information

Referral Process

Outlines agreed referral procedure between the SIC and HHA

Disputes

Outlines the disputes mechanism, recognises the decision of the disputes panel as binding

Performance Monitoring

Referral process to be monitored on a quarterly basis and a full review to be held annually

Introduction

- 1.1 Section 5 of the Housing (Scotland) Act 2001 places statutory duties on housing association and other registered social landlords (RSL's) to provide accommodation to homeless people.
- 1.2 The Shetland Islands Council (SIC) may request Hjaltland Housing Association (HHA) who holds accommodation in its area to provide a Scottish Secure / Short Scottish Secure Tenancy for an unintentionally homeless person in priority need.
- 1.3 This protocol outlines the agreed procedures between the SIC and HHA in referring such cases and will complement the contents of the agreed nominations arrangement which already exists between both organisations. This protocol recognises the importance of both the SIC

and HHA to work together to effectively meet the needs of homeless people in Shetland

- 1.4 Referrals will be contained within the existing fifty per cent nomination arrangements of net lets made available to the SIC. If, in exceptional circumstances, a person is referred to HHA out with this agreed percentage arrangement it will be subject to separate discussion between both parties.
- 1.5 This protocol aims to assist the SIC to meet its statutory duty by housing those who are registered as homeless. Every attempt will be made to house those referred but it is recognised that this will be dependent upon the turnover and size of properties available.

2 Liaison Arrangements

- 2.1 Both organisations will have named officers with contact telephone numbers with day-to-day responsibility for referrals.
- 2.2 It is incumbent on both parties to notify the other of any changes to these named contacts.

3 Stock Information

- 3.1 HHA agrees to provide the SIC with full detailed information of its stock numbers by type and apartment size for the Shetland area by forwarding annually a copy of the appropriate pages of the Communities Scotland Annual Performance & Statistical Return (APSR) form. Detailed information on all new stock becoming available within the working financial year will be given as and when a house/scheme is complete.

4 Referral Process

- 4.1 In accordance with existing nomination arrangements HHA will inform the SIC when a vacancy becomes available for allocation to a person on the SIC's housing list. These vacancies will be advertised in the Shetland Times and HHA's website under the choice based lettings scheme.
- 4.2 HHA will have completed the Housing Association Referral form, which will include detailed information of the property available i.e. address, property type, size and any other relevant information, which may be

required by the SIC. A copy of the Referral form is attached in appendix 1.

- 4.3 Where the SIC need to make a Section 5 referral they will provide HHA with details of the homeless household, taking into account the allocation policy of HHA in terms of property type and household composition.
- 4.4 The SIC acknowledges the person's desires/needs in respect of area, location, size and property type, which will be considered, taking into account stock turnover and the obligation to offer permanent housing within a reasonable timescale.
- 4.5 The SIC will provide the name and direct dial telephone number of the Housing Officer responsible for the person's homelessness assessment and, subject to consent from the person, HHA may contact this Housing Officer who will provide information concerning this person's history and will also advise HHA of any identified support needs or agreed / identified support package / provider.
- 4.6 The SIC will ensure that the person is aware that information will be shared with HHA. The SIC will inform HHA where the person has refused to sign a consent form.
- 4.7 The SIC also agrees to provide any other information of which HHA should be aware in an attempt to ensure that the household is provided with appropriate support when taking up the new tenancy.
- 4.8 It is also agreed that both parties can enter into informal discussion concerning an individual person prior to the initiation of the formal referral procedure.
- 4.9 Referral details will be forwarded by the SIC using the Housing Association Referral form by no later than 2pm on the closing date for the property advertised under the choice based system. HHA will only contact the referred person after the advertisement closing time.
- 4.10 HHA agrees to assess the referral and agrees to advise the SIC of the outcome within a target of seven working days from receipt of faxed/e-mailed referral sheet. HHA agrees to keep the SIC updated on any person's assessment, which is not completed within this timescale.
- 4.11 Detailed information will be provided by HHA of the outcome of the referral to SIC by completing the referral outcome form.
- 4.12 HHA agrees, where applicable, to advise the referral to contact the SIC if the person has refused a formal offer of housing and agrees to advise the SIC of the stated reason for refusal. The SIC Housing Officer responsible

for making the original homelessness assessment will advise the person of the implications of the refusal.

5 Performance Monitoring

- 5.1 Monitoring meetings will take place on a quarterly basis and will be undertaken jointly by the HHA and the SIC. A monitoring report will be produced and will cover the following
- Review of the section 5 referrals process including the total number of referrals in the previous quarter and their outcomes as well as any recommendations for change
 - Review of the nomination arrangement including the number of lets to registered homeless applicants and SIC general needs applicants against agreed quotas, the effectiveness of the choice based lettings process and any recommendations for change
 - The number of applicants housed by the association in the previous quarter who were potentially homeless with insecurity of tenure points.
 - The number of registered homeless applicants and the number of potentially homeless applicants with insecurity of tenure points housed by the Council
- 5.2 This monitoring will enable the SIC and HHA to review the effectiveness of the allocation process, the Section 5 protocol and the nomination arrangement in meeting the housing needs of homeless people in Shetland. Adjustments to these processes will be jointly agreed where required.

Signed on behalf of the Shetland Islands Council

Signature

Designation

Date

Signed on behalf of Hjaltland Housing Association

Signature

Designation

Date

Appendix 2

HJALTLAND HOUSING ASSOCIATION AND SHETLAND ISLANDS COUNCIL Section 5 Referral Disputes Form

PROPERTY

CIRCUMSTANCES OF PERSON REFERRED

DATE OF REFERRAL

REASONS FOR DISPUTE

DISPUTE PANEL DECISION

Signed by Chair

Date

PANEL MEMBERS:

Section 11

Assignment Of Tenancy

If you are a tenant of a council house, you can ask us for permission to pass on the tenancy to someone else who lives in the house with you if they have been living in the property with you for at least 6 months and have been using it as their only or principle home.

The request should be put in writing to us and should include:

- The name of the person you want to pass on your tenancy to
- Your relationship to the person
- How long the person has lived with you in the house, and
- Any deposit or payment to be made to you as a result of passing on your tenancy e.g. for the sale of furniture in the house.

We will not unreasonably refuse any request to pass on your tenancy. The following are the most common reasons why we would not agree to you assigning your tenancy:

- Where a notice of recovery of possession has been served against you.
- An order for recovery of possession has been made against you.
- If a payment, other than a reasonable rent or a deposit has been received by you in relation to the assignment.
- The assignment would result in substantial under-occupation or overcrowding.
- You have substantial rent arrears and have not made arrangements to reduce them.
- Legal action against your tenancy is ongoing or has been instructed by us.
- A serious breach of your tenancy agreement is being investigated.
- There is reason to believe that the assignment of your tenancy would lead to a serious breach of your tenancy agreement.
- The prospective tenant has substantial outstanding housing arrears for a previous tenancy.
- There are major refurbishment works that need to be carried out to your property.
- Your house is currently a matrimonial home and your partner does not live with you but may have rights to the tenancy.

We will notify you in writing of our decision within one month of receiving your completed request. If we do not agree to you passing on your tenancy we will tell

you the reasons why. You can appeal our decision by writing to the Service Manager – Housing and Property, Fort Road, Lerwick. If we do not agree or refuse your request within one month, you have the right to pass on your tenancy without our written consent.

If we agree to you assigning your tenancy the assignation will take effect from the start of the next rental fortnight. An assignation of tenancy does not create a new tenancy therefore the prospective tenant will not have to sign a new tenancy agreement. You will both be asked to sign a Variation of Tenancy Agreement form to show that you accept the terms of the assignation of tenancy.

Sub-Letting Your Home

If you are a tenant of a council house, you can ask us for permission to sub-let your home, for example if you are going away on a course or extended holiday for a few months.

The request should be made in writing to us and should include:

- The names and addresses of the people who you wish to sub-let the property to
- The amount of rent you intend to charge (this should not be more than the council rent of your property, but can include a charge for furniture if appropriate)
- A forwarding address and telephone number for you if the sub-let is agreed

We will not unreasonably refuse you permission to sub-let your home. The following are the most common reasons why we would not agree to you sub-letting your property:

- If a notice of recovery of possession or an order for recovery of possession has been served against you.
- If a payment, other than a reasonable rent or a deposit has been received by you in relation to the sub-let.
- The sub-let would result in substantial under-occupation or overcrowding.
- You have substantial rent arrears and have not made arrangements to reduce them.
- Legal action against your tenancy is ongoing, or has been instructed by us.
- A serious breach of your tenancy agreement is being investigated.
- There is reason to believe that the assignation of your tenancy would lead to a serious breach of your tenancy agreement.
- The prospective tenant has substantial outstanding housing arrears for a previous tenancy.
- There are major refurbishment works that need to be carried out to your property.

- Your house is currently a matrimonial home and your partner does not live with you, but may have rights to the tenancy
- You wish to sub-let your property for more than six months. (You can apply to sub-let for a longer period of time, however the sub-let will be reviewed every 4 months).
- We are not satisfied that you intend to return to the property at the end of the sub-let.

We will notify you in writing of our decision within one month of receiving your completed application. We will tell you the reasons for our decision. You can appeal our decision by writing to the Service Manager – Housing and Property, Fort Road, Lerwick.

If the sub-let is agreed, we will also write to the sub-lessees regarding the procedure and their obligations. If we do not notify you of our decision within one month, you have the right to sublet your property without our written consent.

Variation To A Secure Tenancy

If you are a tenant of a council house, you can ask us for permission to change your tenancy from a joint to a sole tenancy, or from a sole to a joint tenancy.

A Variation of Tenancy Agreement form is available at the Housing Office for you to complete. All persons involved in the change of tenancy agreement must sign the request and have it witnessed.

The following details must be completed:

- The name and current address of the person you want to add to your tenancy
- Your relationship to the person and
- How long the person has resided in your home, or
- The name and current address of the person who wants their name to be removed from the tenancy

We will not unreasonably refuse any request to change your tenancy agreement. The following are the most common reasons why we would not agree to a change in your tenancy agreement:

- Legal action to end your tenancy is ongoing, or has been instructed by us.
- A serious breach of your tenancy agreement is being investigated.
- There is reason to believe that the change of your tenancy agreement would lead to a breach of your tenancy conditions e.g. the change would result in serious overcrowding.
- Your house is currently being sub-let.

- The prospective tenant has substantial rent arrears or has been previously evicted for anti-social behaviour.
- The person you want to add to your tenancy is not your spouse or co-habitee, and has not been living in the house with you for at least six months.
- There is reason to believe that one or other of the proposed joint tenants does not intend to occupy the house as his/her main home.
- The house is currently a matrimonial home and your spouse does not live with you, but may have rights to the tenancy.

We will notify you in writing of our decision within one month of receiving your completed request. If we do not agree to your request we will tell you the reason why. You can appeal our decision by writing to the Service Manager – Housing and Property, Fort Road, Lerwick.

If we agree to the change in your tenancy, the variation will take effect from the following Monday. A variation does not create a new tenancy therefore you will not need to sign a new tenancy agreement.

Abandonment by a Joint Tenant

One tenant cannot normally request a change to a sole tenancy without the written agreement of the other joint tenant. However, if the current joint tenant is absent and we believe that they have abandoned their tenancy, we can take action to bring their interest in the tenancy to an end.

In this case, we will serve an abandoned tenancy notice on the joint tenant and give them four weeks to contact us in writing. If at the end of the four weeks, we still believe that the tenant is not occupying or does not intend to occupy the house, we will serve a further notice informing the abandoning tenant that their interest in the tenancy will come to an end on a date eight weeks or later after the service of the second notice.

Succession To A Scottish Secure Tenancy

If you are living in a council house and the tenant of the property dies, it may be possible for the tenancy to be passed on to you. You should contact the Housing Office to inform us that the tenant has died as soon as practicable. The Housing Officer for your area will then visit you at home to find out if you can succeed the tenancy.

Under the terms of the Housing (Scotland) Act 2001 when a tenant dies the tenancy can be passed onto a qualified person.

If the qualified person dies, the tenancy can be passed on to another qualified person as a second round succession.

If the second qualified person dies, the tenancy ends. Except, if you are a joint tenant and continue to use the house as your only or principal home, your Scottish Secure Tenancy will not be terminated. Or, if you are a qualified person, other than a joint tenant, you are entitled to continue as tenant of the house for a period not exceeding 6 months, but the tenancy ceases to be a Scottish Secure Tenancy during this time.

Qualified Persons

You are a qualified person if:

- 1 The house was your only or principal home at the time of the tenants death and:
 - a) You were at that time—

The tenant's spouse, or living with the tenant as husband and wife or in a same sex relationship, and where the house was your only or principal home for at least 6 months before the tenants death, or
 - b) You are the surviving tenant(s) of a joint tenancy.
- 2 You are a member of the tenant's family, aged at least 16 years and the house was your only or principal home at the time of the tenant's death
- 3 You are a carer providing, or who has provided, care for the tenant or a member of the tenant's family where -
 - a) You are aged at least 16 years, and
 - b) The house was your only or principal home at the time of the tenant's death, and
 - c) You had a previous only or principal home, which was given up.

Succession To A Scottish Secure Tenancy

Special rule: Specially adapted house

If your house has been designed or substantially adapted for occupation by a person whose special needs require accommodation of the kind provided by the house, for the purposes of a first round succession, you will only be a qualified

person if you fall within paragraph 1, or if you fall within paragraph 2 or 3 and you have special needs requiring accommodation of the kind provided by the house.

For the purposes of a second round succession, you will only be a qualified person if you have special needs requiring accommodation of the kind provided by the house. If you do not have special needs for that accommodation, but you would otherwise be a qualified person, we must make other suitable accommodation available to you.

Order of succession

If you are a qualified person falling within paragraph 1, the tenancy will pass to you unless you decline the tenancy.

If the tenancy does not pass to a qualified person falling within paragraph 1 and you are a qualified person falling within paragraph 2, the tenancy will pass to you unless you decline the tenancy.

If the tenancy does not pass to a qualified person falling within paragraph 1 or 2, and you are a qualified person falling within paragraph 3, the tenancy will pass to you unless you decline the tenancy.

If there is more than one qualified person living in the property, agreement must be reached as to which one the tenancy shall be passed on to. Alternatively, with your agreement, the tenancy can be passed on to two or more qualified persons as joint tenants. If agreement cannot be reached with the qualified persons within four weeks of the tenant's death, we will decide which qualified person succeeds the tenancy.

If you are a qualified person but you do not wish to accept the tenancy, you must confirm this in writing within four weeks of the tenant's death. You must then vacate the property within three months. You will be liable to pay any rent only for the period after then tenant has died.

If there is no qualified person living in the property, or every qualified person declines the tenancy, the tenancy ends on the date of the tenant's death. In this instance a member of the tenant's family should contact the Housing Office as soon as practicable. Unless there are special circumstances, we normally ask for keys to be returned to the Housing Office within 2 or 3 weeks

Section 12

Transfer Payment Scheme

We wish to encourage tenants who are under-occupying their accommodation to move to more suitable smaller accommodation. The transfer payment scheme operated by us provides a flat rate payment to assist with the expenses incurred in transferring to alternative accommodation.

Payment under this scheme is subject to the following conditions:

- You must be a tenant of the council
- You must be currently living in Lerwick, Scalloway, Bressay, Cunningsburgh or Tingwall
- You must have an active transfer application to move to smaller accommodation
- You must have a clear rent account and no other outstanding debt to the Council
- On transfer or exchange from your present accommodation, you would be releasing at least one bedroom, e.g. transfer from a three-bedroom property to a two-bedroom property.

The tenant will be entitled to a payment of £700, which will be paid once the tenancy agreement for the new property has been signed, we reserve the right to take action to recover the payment in the event that the transfer does not take place.

Tenants of the Council who undertake mutual exchanges will be entitled to this payment where the conditions laid out as above are fulfilled.

These payments do not apply to those transferring as part of the HOMES or HOMESWAP schemes.

Section 13

Appeals and Complaints

If you are dissatisfied with any aspect of the handling of your housing application or tenancy you should contact us.

We welcome problems being brought to our attention as this allows us the opportunity to make changes and improve our services.

This information does not replace your rights to use the Shetland Islands Council's corporate complaints procedure or the right to refer a complaint to the Scottish Public Services Ombudsman.

Please note there is a separate and specific process for appealing decisions on homelessness applications and you should contact SIC Housing on 01595 744360 for more information on this.

Award of Medical Points

You have the right to request a reassessment of your medical points where you are dissatisfied with the original award. This will be dealt with by the Director of Public Health. If you wish to appeal you must do so within 3 weeks of the date of this letter by writing to the Director of Public Health explaining why you believe that the points allocated are insufficient. A re-evaluation will then be carried out.

You can write to the Director of Public Health at:

NHS Shetland
Brevik House
South Road
LERWICK
ZE1 0TG

Award of Social Needs Points

If you are dissatisfied with an award of Social Needs points given to you by SIC Social Work you should put your reasons in writing to:

Head of Social Work
92 St Olaf Street
Lerwick
ZE1 0ES

SIC Social Work will notify you of the outcome in writing.

Telephone or Writing?

Telephone complaints may seem easier, but it can sometimes be difficult to get through to the appropriate person. It can also be impossible to prove that you complained in the first place if you do not feel that adequate action is taken as a result of your conversation.

We recommend that you write to us, addressing your letter to a Service Manager, because then you will have a record of events to draw upon at a later date.

However, you may first need to telephone us to clarify the issues and identify the Service Manager responsible for dealing with your complaints and find out whether there are any special procedures for lodging your complaint. It is good practice to note the name and position of the person you are speaking to and to note the time and date of the call.

Of course, your problem may be so urgent that you have no choice but to complain over the telephone. If this is the case, make sure you keep notes of what is said, including any statements about what will be done to address your problem, the name and position of the person and time and date of the call.

Follow-up any conversation in writing to confirm your understanding of the conversation and ask for acknowledgement of your letter.

You can seek independent advice from:

Shetland Citizens Advice Bureau
Market House
14 Market Street
Lerwick
ZE1 0JP

Telephone: 01595 694696

Fax: 01595 696776

Email: sicab@zetnet.co.uk

Web: www.cas.org.uk/WebOfficeDetails.aspx?id=86&letter=L

You can also seek independent advocacy assistance from:

Advocacy Shetland
Market House
14 Market Street
Lerwick
ZE1 0JP

Tel: 01595 743929 / 743930

Fax: 01595 696787

Email: advocacy.shetland@virgin.net

Who Should I Address My Complaint To?

Address your complaint to the Service Manager responsible for the person or area you have a problem with.

The Service Manager – Housing Business Support is responsible for:

- Administration support
- Policy and Information
- Supported Accommodation
- Asset Management

The Service Manager – Housing and Property is responsible for:

- Estate Management
- Homelessness Service
- Outreach Support Service

What Should I Include In My Letter?

You should try to summarise the problem, including:

- When and what happened
- Who was involved
- Why the situation is unfair or wrong
- Details of any conversations or meeting that have taken place
- Attach copies of any relevant correspondence or documents

Anything Else?

It is important to keep copies of all letters and materials you send and receive and to keep a record of telephone calls including dates, times and what was said. This information may help further down the track if we fail to adequately address your complaint.

What If This Doesn't Work?

If the above steps don't work within a reasonable time, you may decide to take your complaint further. You may wish to make a formal complaint to Shetland Islands Council. This can be done through writing a letter or completing a Council complaint form and sending it to:

Chief Executive's Office
Shetland Islands Council
Executive Services Department
Town Hall
Hillhead
LERWICK
ZE1 0HB

The complaint will then be sent to the Head of Service to deal with. Following this, if you are still dissatisfied and wish to take the matter further, it is, on request, returned to the Chief Executive for investigation.

You also have the right to make a formal complaint to the Scottish Public Services Ombudsman who deals with complaints in Scotland about local government and other public services and can be contacted at:

Website: www.spsso.org.uk
Tel: 0870 377 7330.

Section 14

Performance Monitoring

Any Council policy and procedure should ensure accountability, and monitoring is the means of achieving this as well as a high quality service. We will monitor and publicise the following aspects of the allocation policy and procedures:

- The number of new applications received
- The number of applications suspended and the reasons
- The number of appeals against suspensions
- The number of offers made
- The number of offers refused and reasons for refusals
- The number of allocations made
- The number of allocations made on management grounds
- The categories of applicants housed i.e. transfer, waiting list or homeless
- The allocation quota targets set for homeless, transfer and waiting list applicants
- The number of Hjaltland Housing Association nominations/referrals requested
- The number of successful Hjaltland Housing Association nominations/referrals
- The number of applicants registered as special cases
- The number of mutual exchange requests accepted
- The number of satisfaction surveys returned and outcomes
- The number of voids
- The length of void turnover
- Complaints specific to Allocations Policy

The Housing Management Team on a monthly basis will undertake this monitoring. The Allocations Policy Monitoring Group is a working group made up of Councillors, Housing Staff and the Shetland Tenants Forum to ensure that the allocations policy remains effective and accountable.

A newsletter will be circulated annually to all tenants, local Community Councils, the Tenants Forum, as well as being made available at the housing office to applicants and members of the public.

The views of applicants on the allocation policy, the procedures adopted and the manner of dealing with individual applications will be welcomed.

Enclosed with the application form is a feedback form requesting comments on the level of service received and invites comments for improvement. Comments received are included in the monitoring processed described above.

The confidentiality of individual applicant's circumstances will be maintained.

For further information please contact us at:

**Housing,
Fort Road,
Lerwick**

telephone **01595 744360**
freephone **0800 212 829**
fax **01595 744395**

In an emergency out with office hours please contact:

Homelessness: **01595 695611**
Council House Repairs: **01595 693972**
Available 24 hours a day, 365 days a year

Email: Housing@shetland.gov.uk
Website: www.shetland.gov.uk/Housing

Our Office is Open

Monday to Thursday 9 am to 5 pm,
&
Friday 9 am to 4 pm
We are open during lunchtimes.

Information on the various housing options available in Shetland can be found online in the *Housing Options Guide*

This Policy and other housing information can, on request, be made available in Braille, on tape, in large print and in different languages. For further information please telephone Housing on 01595 744360, or email housing@sic.Shetland.gov.uk