Shetland Islands Council

Housing Service

Housing Allocation Policy

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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. 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

Aim to prevent homelessness

We will aim to prevent homelessness occurring where possible, in line with our statutory duties. Where homelessness can't be prevented, we seek to re-house homeless applicants in settled accommodation as quickly as possible, in line with our Rapid Rehousing Transition Plan. Full details regarding prevention of homelessness are found in **Operational Policy 7 – Prevention of Homelessness**.

Give priority to people in need

We will aim to address housing need in the area, including the need of statutorily homeless households and where possible take into account an applicant's housing aspirations. The assessment process will take into account the three areas of reasonable preference as stated in the Housing (Scotland) Act 2014;

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

Make best use of housing stock

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

Sustain communities

We will aim to promote and sustain local communities.

Standards

Promote fair & equal access

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

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.

Staff Protocol

In order to avoid the appearance of misconduct, Housing Officers will not be involved in any way in the housing application of a relative or close friend.

For the avoidance of doubt, relative includes foster or step children, children of a partner, in laws, half sister or brother.

Officers are advised to bring any potential conflict of interest to the attention of their line manager. The line manager will assign a different housing officer to your application.

Legislation and Other Relevant Policies

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

- Community Planning Framework
- Council's Corporate Plan
- Housing Service Plan
- Housing (Scotland) Acts 1987 , 2001, 2010 and 2014
- 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
- Adults With Incapacity (Scotland) Act 2000 (AWI Act)
- Equality Act 2010
- The Domestic Abuse (Scotland) Act 2018

Housing Service – Protection Roles

Housing staff adhere to the Housing Service – Protection Roles staff guidance which provides details about initial actions relating to Child Protection; Adult Support and Protection; Multi Agency Public Protection Arrangements (MAPPA) or Multi Agency Risk Assessment Conference (MARAC). The guidance provides information on the processes involved and who to contact for staff with concerns about individuals covered by these policies and procedures.

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, 8 North Ness, Lerwick
- Hjaltland Housing Association, 6 North Ness, Lerwick

You can download or complete an application form from the Shetland Islands Council website or from the Hjaltland Housing Association website.

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. If you do not include all information required, your application will not be processed. 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 send online or 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 are eligible to be allocated a property.

We cannot process an application where the applicant is assessed as lacking capacity. This is to ensure compliance with the Adults With Incapacity (Scotland) Act 2000 (AWI Act). Further details are in Appendix 1.

Interpreters / Language Barriers

If you require the services of an interpreter or signer this will be arranged.

Joint Applicants living apart

You can apply for a house with a partner or a friend who does not stay in the same property as you. We would ask you both to complete a housing application form from your own address. We will then make an assessment of who is in the greatest housing need, in line with our pointing system, and that applicant will be the main applicant. However, should you receive an offer of accommodation, you

will be joint tenants. If a joint application is submitted between a secure tenant and a non-secure tenant, the application will always be pointed from the tenant's address.

Admission to the Housing Register

In Scotland, anyone can apply for housing as long as they are 16. This includes all non-UK nationals, Asylum Seekers, Refugees, EEA Nationals, Commonwealth Citizens and those subject to immigration control.

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

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).

Non-UK Nationals can only be made an offer of accommodation where they have a right to access public funds. Those subject to immigration control are required to provide documentation to verify eligibility.

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 level of housing need. We will also carry out checks to make sure you are entitled to be allocated a property.

We will send you a letter to confirm your application details. 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 you for proof of your household circumstances, for example we may ask you for a utility bill or bank statement to prove that you are living at the address given on your application form.

We may also carry out our own checks to make sure that the information you have given us is correct, including seeking written confirmation from any person over 16 named on your application that they will be moving with you as part of your household. If you choose not to 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 can happen if you are highly placed on the waiting list and are being considered for allocation, if you have requested a home visit or if we need further information about your circumstances.

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

Change of Circumstances

Any change in your circumstances can potentially alter your level of housing need. You must tell us immediately if your circumstances change as this helps us to ensure we offer our houses to the applicants in greatest housing need, as defined by this allocation policy. 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 area you want to live in. This is because we will make offers of housing to you based on the information held at the time.

If your circumstances significantly change you may need to complete a new application form. If you have moved address, a new application will have to be submitted.

You will only be made one reasonable offer of housing. If you refuse a reasonable offer of housing your application will be suspended for 6 months.

Should we become aware that there has been a change in your circumstances, which you have not told us about, we will mark your application as pending until this information has been received in writing or a new application form has been received. You will be advised in writing that your application has been changed to pending.

If your circumstances change we will review how many points we give you. After this review, the number of points you have may change. You will be notified in writing of any alterations to your point level. We update our housing register every day.

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 point 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.

Review of the Housing Register

We review all applications on the housing register twice a year. We will write to you every six months 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, in writing or via email.

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 consider your right to confidentiality to be very important. 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:

- A previous landlord
- Your GP and NHS Shetland
- Social Work
- Police
- Environmental Health or other relevant organisation regarding anti-social behaviour or standard / repair of housing.

We will not discuss your application with someone else, for example a relative or Elected Member, unless we have written permission from you.

We will gather, use and hold information in line with the requirements of the General Data Protection Regulations. 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, 8 North Ness, 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.

Our Data Protection Privacy Statement is available on our website.

Equal Opportunities

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

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

The definitions used are the protected characteristics identified through The Equality Act 2010.

The exceptions to this are:

- Where it is appropriate to take disability, illness and age into 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.

In line with Shetland Island Council's Equal Opportunities Policies we operate a monitoring procedure to record the sex and ethnic origin of all people applying for housing. This is to ensure that no group is at a disadvantage either directly or indirectly.

3 The Size of House 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	
Pregnant woman	1	
2 Children of the same sex, under 15 with age difference less than 6 years	1	
Household Member aged 15 and over		1
Children of different sexes over 4 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 wish to be re-housed with you, we will ask them to confirm that they want to live with you.

Medical Needs

You may be considered for a larger property if you have certain needs, which mean you need additional rooms or additional space. In these circumstances, we will seek appropriate advice from relevant professionals, with your permission. The final decision on bedroom requirements will remain with the Housing Service.

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. Until this is completed, you will only be considered for the size of property your current household requires.

Fostering, Adoption and Kinship Care Arrangements

Where you have formal fostering, adoption or kinship care arrangements, which cannot be fulfilled due to the current size of your accommodation, you can be considered for a property to meet this need. Confirmation will be sought from Social Work regarding your arrangements.

Exceptions

Couples

Couples will be considered for one and two bedroom properties.

Your application can be shown on both the one and two bedroom housing lists.

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

Single People

Single people will generally be considered for one-bedroom properties.

No properties of the size you need in the area of choice

You will generally be considered for the size of housing, your household needs. However the Council recognises that in some areas, there are only larger properties available.

In these circumstances, you will be advised to consider other areas of choice. If you are unable to consider other areas of choice you may be considered for a larger property than you need if:

- There are no other applicants who need that size of accommodation on the housing list for that area; or
- You are potentially homeless and 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.
- You are statutorily homeless and have been homeless significantly longer (more than one year) than the first homeless applicant who needs the larger size of property.

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.

Long Term Vacancies

You may be considered for a larger property where there are long term vacancies in your areas of choice if:

- There are no other applicants who need that size of accommodation on the housing list for that area; and
- The allocation will not affect the balance or sustainability of the community adversely.

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.

Opting for a smaller house

You will generally be considered for the size of housing, your household needs. However the Council recognises that in some areas, the slow turnover of larger properties means it may be in your interests to ask to be allocated a smaller property than you need under the terms of this policy.

In these circumstances, you will be advised to consider other areas of choice. If you are unable to consider other areas of choice, you may be considered for a smaller property than you need, so long as the allocation will not result in statutory overcrowding.

Four or more bedroom properties

The Council recognises that larger properties (more than four bedrooms) are only available in certain areas throughout Shetland. In these circumstances, you will be advised to consider other areas of choice.

If you are unable to consider other areas of choice and you need a property with four or more bedrooms, you will be asked if you are willing and are able to accept a three-bedroom property.

If you are, your application will be placed on both the three-bedroom list and the waiting list for the size of property you need.

If you are unable to accept a three-bedroom property, or consider other areas of choice, and you need a bigger house than we have in our housing stock, we will carry out a special case assessment on your application.

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.

We will complete a full options appraisal with you, which could include the following;

- Adapting the layout of your existing home
- Reviewing our stock and giving consideration to alternative areas
- Offering you a transfer to an alternative, more suitable property
- Working in partnership with HHA to consider their stock
- You buying, building or renting a more suitable property

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

Conversion of Properties

Occasionally we may identify a property which we consider to be suitable for conversion The ability to convert properties is dependent on available capital budgets, which are determined at the start of each financial year.

4 Property Type

Within its stock the Council has the following types of housing: -

- Bed-sits – ground floor or first floor
- Tenement flats – ground floor, first floor, second floor and third floor
- Four in a block flats – ground floor or first floor
- Semi detached houses
- Mid or end terraced houses
- Detached houses
- Single storey houses

Given the high demand for housing, exclusion of a specific property type 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 property type, please provide the reasons in writing so that we can consider your request.

5 Areas of Choice

You can select any combination individual and / or group areas of choice.

A list of the areas and the streets within these areas, and a list of the area groupings and areas within each grouping can be found in the following pages and are on the housing application form.

You can express a preference for an area, but an offer of accommodation can be made in any of the areas you choose and each area is equally weighted.

You can change your areas of choice at any time; we would accept any amendments via e-mail or telephone, however would request this be confirmed in writing. If you have a joint application, both applicants must sign the change of area form or letter.

If you are a homeless applicant the Council has a duty to secure settled accommodation for you, within as short a timescale as possible.

Settled accommodation can be one of a range of housing options, including an assured tenancy in private rented accommodation, as well as Council or Hjaltland Housing Association accommodation if this is a suitable option for you. In these circumstances, we will discuss with you what areas we consider may be reasonable to offer you housing in.

Individual Areas

Locality / Housing Market Area: Central	
Allocation Area	**Street Names**
Burra—Bridge End/ Toogs	North Toogs
Burra—Hamnavoe	Glenhaven, Hulsidale
Scalloway	Adies Buildings, Berry Road, Blydoit, Craigpark Road, Gilbblestone Road, Houl Road, Ingaville Road, Meadowfield Crescent, Meadowfield Road, Meadowfield Place, Port Arthur, Sycamore Avenue
Tingwall	Herrisdale Park, Vallafield
Weisdale	Kalliness, Swedish Houses
Whiteness	Schoolflats, Sea Haven

Locality / Housing Market Area: Lerwick & Bressay	
Allocation Area	**Street Names**
Bressay	Fullaburn, Glebe Park , Hamilton Park, Voeside
Lerwick	Anderson Homes, Anderson Road, Annsbrae Court, Annsbrae House, Annsbrae Place, Baila, Bakland, Bank Lane, Braefield, Breiwick Road, Brevik Cottages, Browns Road, Bruce Crescent, Burgh Road, Burnside, Cairnfield Road, Cheyne Crescent, Chromate Lane, Clairmont Place, Clickimin Road, Commercial Road, Commercial Street, Cruester View, Gardie Lane, Gilbertson Road, Goodlad Crescent, Greenfield Square, Haldane Burgess Crescent, Hayfield Lane, High Street, Hill Grind, Hjaltland Place, Hoofields Chalets, King Erik House, King Harald Street, Kirkland, Knab Road, Kveldsro Gardens, Ladies Drive, Leog, Leslie Road, Mansefield, Market Street, Mill Lane, Mounthooly Place, Mounthooly Street, Nederdale, Norstane, North Lochside, North Road, Park Lane, Parkfield, Pitt Lane, Prospect House, Queens Place, Rechabite Place, Robertson Crescent, Robertson Lane, Ronald Street, Rudda Court, Rudda Park, Russell Crescent, Sandveien, Sandwall, Scalloway Road, Sletts Road, Soldian Court, South Lochside, St Magnus Street, St Olaf Street St, Staney Hill, Stouts Court, St Sunniva Street, Swarthoull, Tarland, Taska, Thorfinn Street, Twageos Road, Union Cottage, Union Street, Voder View, Water Lane, Waterworks Cottage

Locality / Housing Market Area: North	
Allocation Area	**Street Names**
Brae	Burgadale, Gallowburn, Gary Couper Road, Gossaford, Havragord, Hevdaland, Housaquoy, Ladieside, Lingapund, Ockragarth, Runnafirth, Tronaster, Grindahoul, Grindwell Road, Skelladale, Police House
Firth	Leaside, Sandside
Hillswick	Stucca
Mossbank	Burraness, Hamarsgarth, Maidenfield, Smuggabank
North Roe	Bayview
Ollaberry	Runnadale

South Nesting	Stendaal
Urafirth	Valladale
Vidlin	Gillside, Queeness Road
Voe	Isles Road, Norbrek, Norderhoull
Locality / Housing Market Area: North Isles	
Allocation Area	**Street Names**
Fetlar	Stakkafletts
Unst—Baltasound	Daisy Park, Millburn Park, Nikkavord Lea, Springpark Road
Unst—Haroldswick	Brakefield Crescent
Unst—Uyeasound	Belmont, Brucehall Terrace, East Road
Yell—Burravoe	Meadowbank Road, School Flats
Yell—Cullivoe	Greenbank Road, Greenbank Terrace
Yell—Mid Yell	Bellevue, Burrapark Road, Clingrapark, Steenbrae, Sunnyside

Locality / Housing Market Area: South	
Allocation Area	**Street Names**
Bigton	Hayhoull Place
Boddam	Hardbrakes, Turniebrae
Cunningsburgh	Dandiegarth, Laxdale Road, Midgarth , Pundsta Place, School flats, St Clair Road
Fair Isle	Aesterhoull
Sandwick	Brakefield Road, Brentfield , Park Wynd, Swinster, Veester Hill
Virkie	Horseshoe Close, Toabsgeo

Locality / Housing Market Area: West	
Allocation Area	**Street Names**
Aith	Whitelaw Road, Wirliegert
Bixter	Lingaro
Sandness	Shendale Burn
Skeld	Grindibrek
Tresta	Westerfield
Walls	Bayhall, Kirkidale, New Road, Stove Cottages, Vaila
Locality / Housing Market Area: Whalsay & Skerries	
Allocation Area	**Street Names**
Out Skerries	Harbour View
Whalsay—Brough	Tripwell
Whalsay-Symbister	Gardentown, Harlsdale, Saeter

Local Connection

Where two applications have the same level of points, Local Connection will determine who is allocated the property.

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

- You currently live in the area, or
- You currently work in the area.

Allocating a property where applicants are tied for points;

- One applicant has local connection and one applicant does not have local connection – the applicant with local connection will be allocated the vacant property
- Both applicants have local connection – the application on the list the longest will be allocated the vacant property
- Neither applicant has local connection – the application on the list the longest will be allocated the vacant property.

For the Shetland mainland, we would use localities or housing market areas, eg Central, South etc, but for the island communities, we would use the boundary area for each separate island.

Where the approach of using local connection may infringe applicable equality and diversity legislation (eg the Equality Act 2010), such tied applications will instead be considered and distinguished on a case by case basis by the Council having regard to all other relevant factors.

6 Summary of Points

Reason	Points
Access to Children	20
Fostering, Adoption and Kinship care	40
Insecurity of tenure	150
Lack of Amenities	50/100
Medical Needs	20/50/75/100
No Fixed Abode	100
Overcrowding: For each single bedroom lacking For each double bedroom lacking	 40 60
Sharing Amenities	40
Social Need	50/100
Under-Occupation (per bedroom)	50
Unreasonable to remain	35

Access to Children

These points will be awarded when 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.

Please note that points for overcrowding will not apply in these circumstances.

Section 3 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**

Fostering, Adoption and Kinship care Arrangements

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

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

POINTS

Fostering / Adoption / Kinship care	**40 points**

Insecurity of Tenure

You may be awarded points for insecurity of tenure if:

- You are living in a dwelling that has been declared statutorily unfit, has an order preventing occupation or is subject to redevelopment
- You have been served notice to remove, or notice of repossession, from a private tenancy, private home, tied tenancy and / or service tenancy
- You are threatened or potentially threatened with homelessness, and we are satisfied that actual homelessness could occur within six months

You will need to provide evidence of your potential homelessness and we may contact the people you are living with, your landlord or other agencies to discuss your housing situation in an effort to prevent homelessness occurring.

If we believe you are threatened with homelessness (i.e. likely to become homeless within 2 months), we have a duty to take reasonable steps to make sure accommodation does not cease to be available for you and to provide you with advice and information.

POINTS

Insecurity of Tenure	**150 points**

Lack of Amenities

Lack of amenities points will be awarded where a property does not meet the 'Tolerable Standard', as defined in legislation. Accommodation meets the tolerable standard if it;

- Is structurally stable
- Is substantially free from rising or penetrating damp
- Has satisfactory provision for natural and artificial lighting, for ventilation and for heating
- Has satisfactory thermal insulation
- Has an adequate piped supply of wholesome water available within the house
- Has a sink provided with satisfactory supply of both hot and cold water
- Has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitable located within the house
- Has a fixed bath or shower and a wash-hand basin, each provided with satisfactory supply of hot and cold water and suitably located within the house
- Has an effective system for the drainage and disposal of foul or surface water
- In the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply
- Has satisfactory facilities for the cooking of food within the house; and
- Has satisfactory access to all external doors and outbuildings

POINTS

Where one of the criteria is met	**50 points**
Where more than one of the criteria is met	**100 points**

A Housing options interview will be offered, and consideration given as to whether or not the situation would warrant a homeless application, if the property is not deemed habitable.

Medical Need

Medical points can be awarded to you or a member of your household who is to be housed with you by completing a medical needs form. A form to apply for medical points can be obtained from us, or you can apply online.

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. Where your medical need is temporary or a change of property will not improve your situation, it is likely that zero points will be awarded.

A medical points form will be assessed by the Medical Points Panel which is made up of senior officers from SIC Housing, Hjaltland Housing Association and Occupational Therapy. Health professionals may be consulted in complex cases, including GP, community mental health team etc. The Panel can request a review of any assessment where a change of circumstance takes place. The panel assesses the medical needs form and awards medical points based on the information received. The points awarded will take into account physical health, mental health and any learning disability. Points are awarded considering household need, not per household member.

The Panel will also advise as to the type of accommodation which would best meet your housing needs. We will try to take this into account when allocating you a property, but please note this is dependent on the availability of accommodation. For applications relating to physical health, the panel will consider the scope for adaptations to be completed within the existing property to alleviate the impact, as part of the assessment process.

You will be notified of the points awarded.

If you are not satisfied that the points award reflects your circumstances, on the basis of the information provided. You can either -

- Provide additional relevant information on your medical condition that was not provided on your initial submission. This will lead to a reassessment by the Medical Points Panel.
- Request an appeal on the number of points awarded if you have submitted all relevant information and you do not agree with the decision of the Medical Points Panel. The appeal will be carried out independent of the panel.

POINTS

The points award will take into account physical health, mental health and any learning disability. The panel will use this sliding scale to award medical points, but only where health is adversely affected by the property and where a move of accommodation would significantly help. For applications relating to physical health, the panel will consider the scope for adaptations to be 25 completed within the existing property to alleviate the impact, as part of the assessment process.	**0 points**
	20 points
	50 points
	75 points
	100 points

No Fixed Abode

If we consider you to be of no fixed abode e.g. you are residing in non permanent accommodation or moving on a regular basis between different addresses, you may be awarded points in this category.

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

If you are no fixed abode, you can request a housing options interview where your housing situation will be assessed. This would include a discussion about homeless legislation, where appropriate.

POINTS

No fixed Abode **100 points**

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 or your rooms.

The floor space under a combe 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 15 years, where the age difference between them is less than 6 years
- Two children of different sexes under the age of 4 years

Single bedrooms are required for;

- Household member aged 15 and over
- Children of a different sex where one is aged 4 years and above
- Children of the same sex with an age difference between them of 6 or more years

Where a couple with shared care for children have separated, and continue to live together, both will be classed as single parents, for the purposes of this policy. Both household members would therefore be eligible for a double bedroom each, in terms of calculating over-crowding.

Where a household requires a double bedroom, and is currently occupying a single bedroom, they will be awarded 40 over-crowding points.

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
- Where you have Social Work approval and you need a larger property to provide foster care or kinship care; or

Statutory 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 partners 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 = ½ unit

Floor Area of Room	**No. Persons**
110 sq ft (10.22m2) +	2
90 sq ft (8.36m2) > 109 sq ft	1½
70 sq ft (6.5m2) > 89 sq ft	1
50 sq ft (4.65m2)> 70 sq ft	½

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	**40 points**
For each double bedroom lacking	**60 points**

Sharing 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 in the following circumstances:

1. Child or Adult Protection concerns – for example, where children have been victims of abuse; where children are vulnerable and at risk because of their housing situation and/or location.
2. Severe personal relationship difficulties – this would include domestic abuse, applicants who have been referred to MARAC.
3. Where it is recognised settled accommodation will reduce risk of offending as part of a Criminal Justice Social Work support plan.
4. Where an individual is in an inappropriate care setting
5. 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 and where we are satisfied that there is evidence of such harassment. Confirmation may be sought from the Police, Social Work, NHS or other agency as appropriate.
6. Points may be awarded where you have to move to another area to give or receive support and all of your areas of choice for housing are closer to the person giving or receiving the support than your current home. 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.

These points will be awarded following an assessment and where necessary an interview.

If an Understanding You or GIRFEC Assessment has been carried out, we will ask you for a copy of the assessment to enable us to carry out an assessment.

POINTS

Moderate need	**50 points**
Substantial need	**100 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 have a Scottish Secure Tenancy Agreement with a Local Authority or Registered Social Landlord.

For the purposes of calculating under-occupation points, we will use the criteria as illustrated in section 3 of this policy.

POINTS

For each additional bedroom	**50 points**

Unreasonable to remain

If you are living in accommodation which is not suitable for your households needs long-term, your application may be awarded points in this category.

For example, if you are living with family or friends, who are not asking you to leave immediately or by a certain date, but who are not able to have you staying with them long-term.

In this situation, we may also refer you to the Relationship Scotland - Shetland to try and find a solution, agreeable to all parties, which will help all parties to cope with the situation until you can find alternative housing. These points will also be applicable to common law tenants, tenants in tied accommodation (including those in the armed forces, lodgers, and applicants residing with an ex-partner as those who qualify for these points).

These points may also be awarded where you have security of tenure and have been assessed as requiring very sheltered or supported living accommodation.

POINTS

Unreasonable to remain	**35 points**

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.

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 marked as pending until your new application form is received.

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

Sharing amenities	**40 points**
Unreasonable to remain	**35 points**
Social or medical points	**As applicable**
Overcrowding	**As applicable**
Insecurity of Tenure	**As applicable**

Applicants will not be awarded both Unreasonable to remain & insecurity of tenure points. If a situation escalates and homelessness may occur, an application will have insecurity of tenure points awarded, with Unreasonable to remain removed.

Domestic Abuse

We are committed to supporting applicants who are experiencing domestic abuse, and will handle such situations with the sensitivity and confidentiality they warrant. Applicants can choose for all letters and communication to go to a ‘correspondence’ address, to help maintain confidentiality.

The following points may be applicable for applicants fleeing Domestic Abuse;

- Unreasonable to remain/Insecurity of Tenure points

- Sharing amenities points
- Social Needs points

Other points available within the Allocation Policy will be considered on their own merits, such as over-crowding. Applicants will also be advised of their right to present as homeless, which could lead to the provision of you safe, secure temporary accommodation.

The Housing Service works in partnership with a number of key agencies to support victims of domestic abuse, including Shetland Women's Aid and Police Scotland, as we seek to minimise the impact this can have on the household.

Veterans

The Shetland Islands Council recognises the Armed Forces Covenant and will ensure that serving personnel, veterans and their families are not disadvantaged in accessing social housing because of military service

POINTS

All categories of points apply where appropriate

Prisoners

If you are in prison and 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	
Insecurity of Tenure	**if within 6 months before release**
Social need/medical points	**if applicable**
Sharing amenities points	**40 points**

Points in respect of overcrowding are not applicable

The Housing service will work in collaboration with the Scottish Prison Service to achieve national standards for Prisoners due for release – Sustainable Housing on Release for Everyone (SHORE).

Multi Agency Public Protection Arrangements (MAPPA)

Shetland agencies manage individuals who commit offences in line with the Scottish Government's Multi Agency Public Protection Arrangements (MAPPA).

MAPPA guidance states that the responsible authorities work closely together to assess, monitor and manage any potential risks. The responsible authorities within Shetland are Police Scotland, Shetland Islands Council and NHS Shetland.

If you have committed sexual offences, we will not refuse housing on the basis of your offence. You will be assessed for housing under the terms of this Allocation Policy.

In assessing applications and in the housing of sex offenders, we will work jointly with the Police Scotland, Justice Social Work and Children & Families Social Work Service.

When determining what is a reasonable offer of accommodation e.g. the type and location of the accommodation, consideration will be given by the responsible authorities to your housing needs, any family or support networks you have and any risks to yourself or the community, including the level of risk posed by your past and present behaviour.

The Data Protection Act, which is in place to protect individual privacy, prohibits us from disclosing information about you or your offence on request from members of the public. Requests for information on individual cases and tenancies cannot be granted.

It is agreed locally that the Police Scotland undertakes any press statements made in relation to the accommodation and or management of individuals who commit sexual offences.

Child protection is paramount to the agencies involved in MAPPA and the interagency approach aims to ensure the correct balance is achieved between the rights of individuals to privacy and confidentiality and the rights of children and vulnerable adult to be protected from abuse.

POINTS

All categories of points apply where appropriate

Shared Accommodation

Shared accommodation is a dwelling with multiple bedrooms, with access to living room, kitchen, and 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 members of the household.

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 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**

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**
Unreasonable to remain	**35 points**
Any other	**As applicable**

Note: Points for under-occupation would not apply

Houses in Multiple Occupation (HMO)

An HMO is a property that is shared by three or more tenants who aren't members of the same family. HMO landlords must have a licence from the council. This ensures that the property is managed properly and meets certain safety standards. The licence will be valid for up to three years, and will then have to be renewed.

Assessment for points will be based on shared accommodation as above.

POINTS

Sharing Amenities	**40 points**
Overcrowding	**As applicable**
Unreasonable to Remain	**As applicable**
Any other	**As applicable**

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

Young People Who Are Leaving Care

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, supported or self-contained accommodation depending upon what is assessed as being most appropriate.

Your views and those of your carers and Social Work 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.

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 not homeless intentionally**

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 (date of homeless presentation) and will be allocated permanent accommodation in line with the homeless policy and allocation targets set out in this policy.

We aim to secure settled accommodation for you, within as short a timescale as possible. This can include a tenancy in private rented accommodation, as well as Council or Hjaltland Housing Association accommodation, if this is a suitable option for you.

We will ask you for your preferences in relation to areas of choice when you receive your homeless assessment decision. We will take your choices into account, but you may be offered housing in an area outwith your areas of choice if a vacancy exists, we consider this housing to be suitable for your household and the offer to be reasonable.

In these circumstances, we will discuss with you what areas we consider may be reasonable to offer you housing in.

We will consider a reasonable offer of accommodation to be accommodation that meets your household's needs in relation to the size, type and location of the property, based on the information held about your application by us at the time of allocation.

In determining what is reasonable, we will take into account your previous housing history, any family and wider support networks you have, nursery placements, child care arrangements, where your children attend school, your employment, access to transport links, any medical need and any other social need your household has.

If you refuse the offer, your refusal will be assessed under the terms of the refusal policy, and may be counted as an unreasonable refusal unless you have a good reason for the refusal, which we were not aware of at the time the offer was made.

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

Residents in Care Settings

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.

No overcrowding points will be awarded unless the applicant is living in self-contained accommodation.

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. You will generally only be considered for a property, which has been assigned your original quota group i.e. waiting list, transfer or homeless quota.

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.

7 Suspension Policy

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 who we have a duty to provide settled 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) or from the family member or friend you are or have been living with. 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.

After we have assessed your level of housing need and awarded points as appropriate in line with this policy, 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, until certain steps are taken or circumstances change. If your application has been suspended and you have applied for additional points, eg medical or social points, these will only be assessed at the time of the application no longer being suspended.

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.

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 housing options and decisions on any homeless application.

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.

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

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 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.

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.

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.

Short Scottish Secure Tenancy

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

Dealing with Debt

The following is set out in our Rent Recovery policy.

- We will carry out face to face visits in the early stages of arrears to discuss realistic repayment agreements.
- We will make referrals to 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.

Exclusion

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

Cancellation

We will cancel your application where:

- You have requested we cancel it (usually in writing)
- On the death of the applicant
- You do not respond to your review letter

Pending

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 required to assess your housing need.

Deferral

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.

Types of Suspensions

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

Eligibility Suspensions are restrictions which are as a result of your current circumstances.

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 Suspension

Local Connection Eligibility

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 permanent employment requiring you to live in Shetland

b) Need to move to Shetland to be near a relative or carer

c) Have specific social reasons for requiring to be housed in Shetland

d) Are subject to harassment and wish to move to Shetland

e) Are subject to domestic abuse and wish to move to Shetland.

When considering if you can be allocated a property under the following items -

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.

b) contact will be made with your relative or your support agencies as appropriate.

c) consideration will be given to the nature of the social 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.

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

e) 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. It is up to applicants to inform the Housing Service of any change in circumstances.

Eligibility

No Recourse to Public Funds (NRPF)

Under the Housing (Scotland) Act 2001 and the Asylum and Immigration Act 1999, we have to confirm whether you qualify for public assistance including housing.

Council housing is regarded as a form of public assistance. Therefore, if you are not eligible for public assistance, the council will be limited in terms of the assistance it can offer. Under the 1999 Act, local authorities are generally restricted from allocating standard public housing or homelessness assistance to people subject to immigration control.

Proof of rights to public assistance must be provided before the application will be made live on the waiting list. Until that point, the application will be suspended due to be ineligible and will be reviewed on an annual basis.

Conduct Suspension – Conditional

Rent arrears

If you have any outstanding housing debt, we will 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.

Debt related to a tenancy includes:

- Service charges
- Rechargeable repairs

- Cleaning a house, which was not left 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
- Council Tax

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. Where arrears occur in temporary accommodation, housing support is available to help the tenant with this.

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.

Conduct Suspension – Conditional

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.

Conduct Suspension– Conditional

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.

Conduct Suspension – Time Limited

Refusals

We will suspend your application for a period of up to six months if you refuse one reasonable offer 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 an offer of accommodation is 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

We will no longer have a statutory duty to homeless applicants who refuse a reasonable offer of accommodation. Implications of this are detailed in our Homeless Policy.

Conduct Suspension – Time Limited

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 may withdraw the offer of accommodation and your application will be suspended for 6 months, pending review.

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.

Conduct Suspension – Time Limited

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

- Insecurity of tenure

We will suspend your application for a period of three months, unless in our judgement there was a valid reason for the move, e.g. to prevent homelessness, severe relationship breakdown or medical reasons. This 3 month period of suspension will commence from the date your application was submitted. We may request evidence to confirm the date of your move.

Conduct Suspension – Time Limited

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.

8 Lettings Plan

The Council's Allocation Policy has been designed primarily to allocate houses according to housing need. It takes into account the reasonable preference categories within the Housing (Scotland) Act 1987, as amended by the 2001 Act & 2014 Act, and the Council's statutory duty to prevent homelessness occurring.

In order to assist with meeting these requirements, allocations will take into account the following Lettings Plan.

We will allocate vacant general need properties to one of three quota groups outlined below, in line with agreed targets. These targets also include the allocation of non-traditional lets for sheltered accommodation (Non-traditional let is defined in chapter 9). The quota groups are SIC transfer applicants, homeless applicants and waiting list applicants (all others, including HHA tenants).

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.

The properties within the isles of Unst, Whalsay, Yell, Fetlar, Skerries & Fair Isle are not allocated using the quota system because of the level of demand within these areas. The properties will be let in accordance with housing need regardless of application category type.

QuotaTargets for 2026/2027

Lerwick	**%**
Homeless	60%
Waiting List	20%
Transfer	20%

Landward	**%**
Homeless	20%
Waiting List	60%
Transfer	20%

Allocations

Allocation of General Needs Properties

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 homeless or special case applicant, your application will not be awarded points, but will be considered in date order.

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.

In areas with a small waiting list, a limited stock of council housing, or a low turnover, all applications for the area will be considered, including applicants who do not require that size of housing.

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 on the Council's website. The advert will state the size and location of the vacant property.

Equal Points

If two or more people have the same number of points, we will consider best use of stock, date of application and a local connection to the area.

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 on Management Grounds

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:

1. If you are a Council tenant you may be offered a transfer on management grounds to assist in the refurbishment of Council stock eg because your property is suitable for conversion or adaptation or is too big for you.

2. 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.

3. 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.

4. If a property has been adapted or has good access, i.e. amenity standard and would be more suitable for applicants with mobility problems.

5. 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 occurring.

6. If a property can meet exceptional housing need of an applicant who would not ordinarily match against the property, and this is considered best use of housing stock.

Schoolhouses

The Council has a number of properties in Shetland that were traditionally used as accommodation for teaching staff. The only property that now has protection in this respect is the Fair Isle School house.

The remaining school houses throughout Shetland are available to let to mainstream housing applicants.

As the following properties are sited within the curtilage of an active school, all prospective tenants of these properties must be in receipt of a full disclosure

check. In addition to this, future tenants will be subject to a 'no pets policy' whilst in occupation of the property.

- Happyhansel School House, Walls
- North Roe, School House, North Roe

9 Local Letting Initiatives

Local letting initiatives are local agreements for letting certain properties.

They can be designed around a particular type of property e.g. long term void sheltered housing; or a group of properties in a specific area e.g. letting profile area properties. They can also be designed to take into account a particular local need e.g. relocating workers or remote area teachers.

Letting Profile Areas

Letting profile areas are where certain groups of properties, because of their design or location 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 profile areas are:

- 1-9 St Olaf Street;
- 47 St Olaf Street;
- High Street;
- Parkfield;
- Rudda Court;
- 3 Rudda Park;

Letting profile areas may be added based on prevailing need, subject to approval by the Executive Manager – Housing and wil be included for formal approval in the annual review of allocations report to Committee.

1 – 9 St Olaf Street, 47 St Olaf Street, High Street, Parkfield & Rudda Court

The above properties are single storey, good access dwellings or have a stair lift installed to ensure good access to every floor. They have traditionally been tenanted by elderly applicants or applicants with mobility or social needs, who need a small, easy to manage property with good access.

We will aim to let any vacancies within these streets to the highest pointed applicant, within the assigned quota group, who needs this type of housing. We will consider the overall impact of an allocation of vacant housing in these properties 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.

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

3 Rudda Park

This property is part of a scheme of independent living properties, where support is provided to tenants 24 hours per day.

We will aim to let this property to the highest pointed applicant, within the assigned quota group. It is important to note that as this property is within an independent living scheme, we will consider the overall impact of an allocation on other tenants in the area and aim to allocate this property sensitively.

You will not be considered for this property where there is evidence of past anti-social behaviour in your existing or previous accommodation.

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

10 Supported Housing

Supported housing is available to tenants who require additional assistance to live in an independent environment. Supported Housing is available in the following formats;

Sheltered - Sheltered Housing is best described as small, easy to manage properties grouped together

Very sheltered- There are a small number of very sheltered housing properties in Shetland which have on-site care and support available up to 24 hours per day. These properties are at King Erik House and Annsbrae House in Lerwick and Brucehall Terrace in Unst. To be considered for this type of accommodation, a comprehensive assessment has to be carried out, through the With You For You process for anyone applying from Shetland.

Supported Living– We work in partnership with Social Work to provide Supported Tenancies for adults with learning disabilities, autistic spectrum disorder, and complex needs. This may be a shared unit, or a self-contained tenancy.

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

You can apply for sheltered housing by completing a housing application form. Once we have your application, an officer will arrange an appointment to carry out a sheltered housing assessment. We will try to ensure all assessments are completed within 28 days of the application being received.

Requests for 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 need for a smaller, easy to manage property without internal stairs or difficult access, and require the services of a Housing Support Worker. We will carry out an assessment of your needs and make a decision as to whether you are eligible for Sheltered accommodation.

Allocation of Sheltered Housing

You can apply for sheltered housing by completing a housing application form.

Once we have your application, an officer will arrange an appointment to carry out a Housing Support assessment. We will try to ensure all assessments are completed within 28 days of the application being received.

Requests for 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 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 Service

If you have been accepted as requiring sheltered accommodation, we may introduce a Housing Support Service in your existing home, as an interim measure, if required. It may also be the case the support offered in your own home will mean you no longer feel you need to move.

Sheltered Housing vacancies will be offered to the applicant with the highest level of housing need, as determined by the pointing system in Chapter 6.

Where a vacant sheltered property becomes available for let, only applicants who have been assessed as requiring sheltered accommodation will be considered. Where there is no demand on the sheltered housing list, properties will be allocated to a general needs applicant to make best use of the housing stock, whilst also sustaining local communities by minimising voids.

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 required.

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

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 sheltered accommodation.

Allocation of Very Sheltered Housing and Supported Living Tenancies

This type of housing provides a range of housing and support options for individuals/couples to live safely and independently in their own homes with appropriate assessed levels of care and support.

Very Sheltered Housing Criteria

- Be eligible to be accepted onto the SIC housing register
- Have an up to date With You For You Understanding You assessment detailing your care and support needs
- Have an assessed need for the provision of onsite care and support or require the reassurance of a 24hr service
- Be in a position to maintain a tenancy within supported accommodation, recognising that some skills/knowledge may need to be developed

Supported Living Application Criteria

Supported Living provides support for adults with Learning Disabilities and Autistic Spectrum Conditions to live as independently as possible in the community. The service is provided in conjunction with SIC Housing Service and Hjaltland Housing Association.

Potential customers should:

- Have a learning disability, autistic spectrum condition and/or complex needs (occasionally someone without Learning Disability or Autistic Spectrum Condition will be considered if their needs can be best met by the service)
- Be aged 18 years or older (16 or 17 year olds may be considered in exceptional circumstances)
- Have an up to date With You For You - Understanding You, detailing support needs
- Be in a position to develop some skills and/or knowledge to enable them to live in supported accommodation
- Be able to live cooperatively with others, given appropriate support
- Be able to meet tenancy requirements, given appropriate support

Potential customers should not:

- Have other needs which over-ride the needs associated with their learning disabilities; Autistic Spectrum Condition (e.g. mental ill-health or age-related conditions)

- Have needs which will impact adversely on their co-tenants

If an existing customer's circumstances change and they no longer meet the above criteria (e.g. as a result of ageing or illness), their needs will be reassessed and an appropriate support package provided. If it is not possible to meet the individual's needs within a supported tenancy, a move may be required.

The above criteria are for guidance and each individual's circumstances will be taken into account when considering an application for a supported tenancy. Eligibility for social care services should also be considered in line with the National Eligibility Criteria framework.

SIC Supported Tenancies:

Very Sheltered:
- King Erik House, Lerwick - including Flat 17, Dementia Specific
- Annsbrae House, Lerwick
- Brucehall, Uyeasound, Unst

Supported Living:
- Locations within Lerwick, both shared and self-contained

The Allocation Process for Very Sheltered and Supported Living is included in Appendix 2.

Housing Adaptations

Housing will work in partnership with the Council's Occupational Therapy service and other partner agencies to identify what adaptations may be required and the feasibility to complete these. More information is available on the SIC Housing website – Housing Adaptations

11 Refusing an Offer of Accommodation

Waiting List and Transfer Applicants

You will receive one reasonable offer of accommodation from either the Council or Hjaltland Housing Association through the nominations procedure.

We consider a reasonable offer of accommodation to be accommodation that meets your household's needs in relation to the size, type and location of the property, based on the information held about 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 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 your application will be suspended for up to 6 months which means you will not be eligible for an offer during this time.

Homeless Applicants

As with Waiting List and Transfer applicants, homeless applicants will receive one reasonable offer of accommodation from either the Council or Hjaltland Housing Association through the nominations agreement. The principles for offers and refusals are the same.

If you have refused an allocation which is considered reasonable, you will be asked to move out of temporary accommodation and the Council's duty to secure you permanent accommodation will be discharged.

Special Case Applicants

As with waiting list, transfer and homeless applicants, special case applicants will receive one reasonable offer of accommodation from either the Council or Hjaltland Housing Association through the nominations procedure. The principles for offers and refusals are the same.

12 Garage Allocations Policy

The SIC Housing Service manages garages in Lerwick and Landward areas across Shetland. If you want to apply for a garage, you can get an application form by contacting the Housing Service on 01595 74 4360 or you can apply for a garage online.

When applying for a garage, you can choose the location of the garage and whether it would be a garage with or without electricity.

The allocation of garages will be done in date order of application.

If you have any housing related arrears, no offer will be made until the arrears have been cleared.

If you are allocated a garage, you will be made an offer in writing.

Your offer will include details of the garage, the commencement date, charges which may include VAT, and any other details relevant to the letting of the garage.

If you refuse the offer of a garage, and the offer is considered reasonable, your garage application will be suspended for 6 months.

You must accept any offer in writing. We will then make the necessary arrangements for the Tenancy Agreement.

Allocation of Caravan Sites

We lease a small number of caravan sites to private caravan owners. We do not maintain a waiting list of people interested in leasing a caravan site.

If a caravan owner decides to sell their caravan, the owner arranges the sale privately. The owner will terminate their lease of the caravan site in writing, stating who they would like the new owner to be and the date of sale.

If you are the new owner, you then have to apply to us in writing, asking to take on the lease of the caravan site from the date of sale. If permission is granted for you to take on the lease of the caravan site, your purchase of the caravan can be completed with the former owner.

13 Nomination Agreement

Between Shetland Islands Council and Hjaltland Housing Association

Summary of Nomination Agreement

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

Liaison arrangements
Outlines agreed operational arrangements 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

Performance Monitoring
Nomination agreement 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 agreement will assist those in housing need who are registered on the Council's housing list to gain access to affordable social rented accommodation. Only applicants who have requested to be considered for re-housing by both landlords will be considered under the nomination agreement.

The aim of introducing this arrangement is

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

Referral Process

HHA will inform the SIC by email when a vacancy becomes available for allocation and where a nomination will be considered.

HHA will complete their nomination request 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.

The Council will then run a list of all eligible applicants, for the size of property and the area, and identify their preferred nominee to Hjaltland.

Nomination Quotas

The SIC will receive 50% of all HHA void properties for allocation, SIC will use their own performance indicators to determine if the prospective nominee will be a waiting list applicant, a transfer applicant or an applicant who has been accepted as homeless in line with legislation.

Waiting list and Transfer 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 from where they originally presented as homeless. Applicants nominated for HHA properties will be selected on the basis of best fit for the size of property available.

HHA agrees to assess the applicant and will keep the SIC updated as the offer progresses.

If a homeless applicant verbally refuses an offer of housing, HHA agrees to contact SIC immediately to inform them of the refusal and stated reason. SIC will consider on the basis of the information provided whether or not the refusal is reasonable under the terms of the SIC Allocation Policy.

In all cases, written confirmation will be provided by HHA to SIC regarding the outcome of the referral and where applicable, stated reasons for refusal, by completing the Nomination acceptance or refusal form.

New Build developments

New build developments will fall within the 50% Nomination target for the reporting year. However, there may be developments where SIC receive more than 50% Nomination rights.

In some new schemes, a local lettings initiative may be agreed in advance of advertising.

Performance Monitoring

Quarterly meetings will be held between HHA and SIC staff to assess the effectiveness of the nomination agreement. These meetings will also assess the effectiveness of the section 5 protocol.

The following information will be collated and discussed:

- Number of successful nominations against target set overall
- Number of homeless and waiting list nominations against quota set
- Number of unsuccessful nominations
- Number of threatened with homeless applicants housed by HHA
- Number of homeless applicants housed by HHA
- The effectiveness of joint working practices and any recommendations for change

This monitoring will enable the SIC and HHA to review the effectiveness of the Nomination Agreement and consider strategic or operational adjustments as required.

Review Date

This Nomination Agreement will be reviewed annually. The review will be undertaken jointly by HHA and the SIC.

14 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

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

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.

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.

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

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.

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.

Referral Process

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.

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.

The SIC will ensure that the person is aware that they are being nominated as a section 5 referral, and that information will be shared with HHA. SIC will inform HHA where the person has refused to give consent to share information.

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.

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.

HHA agrees to assess the applicant and advise the SIC by email of the outcome if the applicant verbally accepts the offer. HHA agrees to keep the SIC updated as the offer progresses.

If a homeless applicant verbally refuses an offer of housing, HHA agrees to contact the SIC immediately to inform them of the refusal and stated reason. SIC will consider on the basis of the information provided whether or not the refusal is reasonable under the terms of the SIC Allocation Policy.

HHA also agrees to hold a property, under offer to a homeless applicant, until the SIC can consider whether or not the refusal is reasonable and discuss the implications with the applicant. The SIC agrees to assess the refusal, make a decision and contact the applicant within 24 hours of the offer being verbally refused.

In all cases, written confirmation will be provided by HHA to SIC regarding the outcome of the referral and where applicable, stated reasons for refusal, by completing the nomination acceptance or refusal form.

Performance Monitoring

Quarterly meetings will be held between HHA and SIC staff to assess the effectiveness of the section 5 protocol. These meetings will also assess the effectiveness of the nomination agreement.

A monitoring report will be produced annually, which will cover the following

- Number of section 5 referrals
- Number of successful section 5 referrals
- Review of outcomes, and reasons for unsuccessful section 5 referrals
- The effectiveness of joint working practices and any recommendations for change

15 Appeals and Complaints

Appeal of Award of Medical Points

If you have submitted all relevant information and you do not agree with the number of medical points awarded you have the right to appeal the decision. If you wish to appeal you must do so within 7 days of the date of the letter by submitting a written appeal, stating your reasons to either.

Team Leader – Housing Management
Housing Service
8 North Ness Business Park
Lerwick
ZE1 0LZ

or Director of Housing
Hjaltland Housing Association
6 North North Ness Business Park
Lerwick
ZE1 0LZ

The outcome of the appeal will be notified to you and is the final stage in the process. Any further change to your circumstances will require a new application.

Appeal of Award of Social Needs Points

You have the right to request a reassessment of your social needs points where you are dissatisfied with the original award. If you wish to appeal you must do so within 7 days of the date of the letter by submitting a written appeal, stating your reasons, to either.

Team Leader – Housing Support
Housing Service
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Appeal of Suspension of Housing Application

You have the right to appeal any decision to suspend your application. You can do this by writing to the Senior Housing Officer, Housing Service, 8 North Ness, Lerwick, ZE1 0LZ. If you are not satisfied with the outcome, you should contact the Team Leader – Housing Management within two weeks of the Senior Housing Officer's written reply.

Complaints

We are committed to continuous improvement, and see customer complaints as an essential part of that process. It is important we have the opportunity to hear your complaints so that we can work together to resolve these without delay.

If you wish to make a complaint, you can do this by putting this in writing, or completing the online complaint form. Full details on the Shetland Islands Council Corporate Complaints Procedure is available on our website – wwwshetland.gov.uk/contact-us/make-complaint or via the following link website.

If you are dissatisfied with the response or the way your complaint has been handled, you can appeal to the Scottish Public Services Ombudsman.

16 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 applicants added to the housing list
The number of applicants on the housing list at the end of reporting year
The number of suspensions from the housing list at end of reporting year
The number of tenancy offers made during the reporting year
The number of tenancy offers that were refused
% of tenancy offers refused during the year.
Average length of time taken to re-let properties in the last year
The total number of properties re-let in the reporting year
The number of lets during the reporting year by source of let.
The number of lets to existing tenants
The number of lets to waiting list applicants
The number of lets to homeless applicants
The number of mutual exchanges
Percentage of new tenancies sustained for more than a year

The Housing Management Team will undertake this monitoring on a quarterly basis.

A housing Report Card is circulated annually to all tenants and local councillors as well as being made available on the website and at the housing office to applicants and members of the public. This is done in line with the Scottish Housing Regulator requirements.

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 process described above.

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

For further information please contact us at:

Housing Service,
8 North Ness Business Park,
Lerwick

Telephone **01595 744360**

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 Friday 9 am to 5 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 different formats. For further information please telephone Housing on 01595 744360, or email housing@shetland.gov.uk.

Appendix 1 Moving Adults On

1. Introduction

This procedure has been prepared by the Council's Governance & Law to summarise the legal challenges and considerations facing Council staff when an adult's capacity is in question and the adult needs to be moved on to a more appropriate care setting. The aim is to ensure compliance with the Adults With Incapacity (Scotland) Act 2000 (AWI Act).

Examples of when this procedure may apply are when there is a proposed move for an adult from:-

- home into supported accommodation/tenancy.
- home into residential care.
- supported accommodation/tenancy into residential care.
- one supported accommodation/tenancy to another.
- one residential care unit to another.

2. Does the adult have capacity to consent to the proposed move?

Whether or not the adult has the capacity to consent to the move and if anyone has formal powers in place under the AWI Act to make decisions on the adult's behalf are the first questions to be answered. If the adult has a Care Manager, they will form a preliminary view of the adult's capacity and if necessary request an initial assessment of capacity from a suitably qualified health professional. Where the adult does not have a Social Worker, a referral should be made to Duty Social Work.

The informal assessment of capacity can be further aided by referring to the Scottish Government Communication & Assessing Capacity Guidelines which are incorporated into the AWI Procedures.

This assessment should involve staff who know the adult and have worked closely with him/her. The assessment may involve pictures, communication aids or any other appropriate method of assessing the adult's capacity to consent to the proposed move.

However, if the adult has no experience of living away from their current home then it may be difficult to explain what a move would involve. A Social Worker should be involved in planning an introduction to the proposed move, which will enable the adult to experience their proposed new home in a meaningful and positive way that is suited to the adult's needs and abilities. The language used to convey this to the adult will have to be carefully chosen to avoid unnecessary distress.

3. The adult has capacity to consent to the move

If it is determined that the adult has the capacity to consent to the proposed move, the assessment process and final outcome must be clearly documented. If there is a meeting to discuss the issue of capacity, a minute will be taken to ensure all decisions taken are clearly documented. If capacity remains questionable or there is disagreement about the adult's capacity then a GP may be asked to undertake an assessment of capacity. The adult's decision will be clearly documented within their care file or minute of any relevant meeting.

If appropriate, relatives and carers should also be involved in these discussions to ensure that they are aware of what is happening and the outcome of the assessment. This will give them the opportunity to voice any concerns about the assessment and the outcome. However, staff must remember that if the adult has the capacity to make the decision, the adult's family has no right to interfere with that decision unless they hold powers under the AWI Act which covers the issues to be decided upon. Relatives and carers should not be involved in the assessment process unless the adult has given their consent to avoid any breach of the Data Protection Act 1998.

The adult can then be moved in accordance with his/her decision.

4. The adult lacks capacity to consent to the move

If it is determined that the adult lacks the capacity to consent to the proposed move, the assessment process and final outcome must be clearly documented. If there is a meeting to discuss the issue of capacity, a minute will be taken to ensure all decisions taken are clearly documented. If capacity remains questionable or there is disagreement about the adult's capacity then a GP may be asked to undertake an assessment of capacity.

(i) Deprivation of Liberty

Consideration must be given to whether or not the proposed move amounts to a deprivation of liberty in **every** case where the adult lacks capacity to make the decision, regardless of whether any formal powers under the AWI Act are held.

The Cheshire West Case established that "deprivation of liberty" has a wider meaning than was previously considered by authorities. A deprivation of liberty will occur in any situation where the adult is subject to constant control and supervision. A deprivation of liberty is a breach of Article 5 of the European Convention on Human Rights (ECHR). The Council has a statutory duty to respect the human rights of service users and therefore should not take action which deprives service users of their liberty.

It is therefore important that any decision taken which amounts to a deprivation of liberty is taken by someone with formal powers under the AWI Act to offer some protection to the Council that the proposed move was properly managed and in accordance with the ECHR.

(ii) Determine if anyone holds powers under the AWI Act

Where the adult lacks the capacity to consent to the proposed move, anyone with formal powers under the AWI Act must be identified. The powers required to consent to a move for the adult are likely to be covered by a Continuing and Welfare Power of Attorney or a Welfare and Financial Guardianship Order. A copy of the relevant documentation should be examined and if necessary forwarded to Governance & Law for advice.

(iii) Appropriate powers are held under the AWI Act

Where someone does have appropriate powers under the AWI Act, they should be involved in the discussions about the proposed move at an early stage to enable them to make the decision on behalf of the adult taking into account the principles of the AWI Act.

The powers held under the AWI Act should be clearly recorded alongside the decision made on behalf of the adult.

The adult can then be moved in accordance with the decision taken on their behalf.

If the decision is that the adult cannot be moved then a referral must be made to Social Work if they are not already involved. Further advice should be sought from Governance & Law where necessary.

(iv) Section 13ZA of the Social Work (Scotland) Act

This section provides that where a local authority has concluded that an adult requires a community care service, but is not capable of making decisions about the service, the local authority may take any steps which they consider necessary to help the adult benefit from that service.

In the past, this section has been used by the Chief Social Worker to provide an adult with community care services (including residential care) when the adult does not have the capacity to consent to receiving the service. Following the Cheshire West case it is no longer appropriate to rely on s.13ZA for the provision of residential care and formal powers under the AWI Act must be in place for such a proposed move. S.13ZA can still be relied on for the provision of other community care services provided to the adult where there is no deprivation of liberty or proposed move from their current home.

(v) No appropriate powers are held under the AWI Act

Where no one holds appropriate powers under the AWI Act, it will be necessary to provide advice to the adult's carers/relatives about seeking independent legal advice on what powers to seek under the AWI Act to enable appropriate decisions about the proposed move to be taken.

As a power of last resort, where no-one is willing to seek formal powers under the AWI Act, the Council will consider whether or not make such an application.

5. Adults with Incapacity Case Conference

The Social Worker or Mental Health Officer will decide in conjunction with their line manager if an Adults with Incapacity Case Conference needs to be held.

An Adults with Incapacity Case Conference must be held to formally discuss and record the following:-

- That the adult lacks capacity in relation to the proposed move.
- Consideration of the AWI Principles.
- The suitability of the proposed care package.
- Deprivation of liberty.
- Need for a Housing application & Housing Waiting List*
- Action required under the AWI Act.
- The powers that need to be applied for.

* Please note that no formal powers under the AWI Act are required to submit a Housing Application on behalf of the adult or to place the adult on a waiting list for a Council property. This does not commit the Council or the adult to a particular property or to a proposed move. The need for a housing application should be discussed at a Planning Meeting between Social Work and Housing, but does not require an Adults with Incapacity Case Conference.

Appendix 2 Very Sheltered and Supported Living Allocation Process

Stage 1 – Identification of Suitable Applicants

Identification of appropriate applicants will normally occur through:

- A direct referral either self referral or via a partner agency
- Review of the hospital delayed discharge list

Stage 2 – Completion of Appropriate Forms and Assessment

- A completed Housing Application Form should be submitted to the Housing Service.
- Application forms for Medical and Social Needs Points must also be completed and submitted as appropriate
- As part of the assessment, the worker completing the Understanding You should consult directly with the Team Leader to identify if the project can meet the needs of the applicant. The request for that particular resource needs to be detailed
- If an Understanding You has not been submitted, the Housing Service will request this from the referring agency or from the most appropriate Service.
- The Housing Service will confirm to the appropriate ~~Project~~ Team Leader when an application to their Service has been received and confirm eligibility for inclusion on waiting list if this has not already been received.
- The Housing Officer will ensure that the applicant is then added to the relevant waiting list for the accommodation type they have been assessed as requiring.

Stage 3 – Vacancies and Allocations

- Allocations meetings will be held as and when there are vacancies. The Team Leader – Housing Management will co-ordinate these

meetings and provide a list in advance detailing the current waiting list. A confirming date by which any update information will be accepted,

- Team Leader – Housing Management will forward the list to the Housing Management Team so that all application checks may be carried out in advance of the allocations meeting.
- Membership of the Project allocations group may include:
  - Executive Manager or appointed representative/s
  - Senior Social Worker
  - Project Team Leader
  - Team Leader – Housing Support
  - Senior Social Care Worker
  - Additional Specialist Input as required
- All allocations will be based on the Housing Service current points system together with all relevant information contained within each individual's Understanding You. Any decision must take full account of both the suitability of the property and the service to meet the housing, care and support needs of each individual applicant.
- The level of housing points held by each applicant should be used as the starting points for the decision making process. Special case stating applicants are also considered in line with current policy.
- If the vacancy is within a shared accommodation tenancy, the applicant's compatibility to live with other tenants should be taken into account. This will be agreed by consensus by the members of the allocations group. If a consensus is not agreed by the group, the final decision on compatibility will be taken by the Project Team Leader. It is beneficial when this is considered and communicated in advance through Understanding You or equivalent.
- Medical and Social Needs Points and Special Case status applicants will receive priority over all other housing points as this type of housing is intended to meet specific need.
- Allocation decision should be agreed through consensus of the allocations group and in line with the agreed decision making process.

Stage 4 - Advising the Applicant and Progressing the Offer

- The Project Team Leader or identified worker will advise the applicant verbally of the decision which remains conditional until confirmed in writing by the Housing Service.
- The Team Leader – Housing Management will initiate the formal offer process. The Housing Service will issue an offer letter to the successful applicant(s) who will then be required to respond to the offer.
- The Project Team Leader will support the co-ordination of any is subsequent move in partnership with the identified lead worker. An opportunity for viewing is made available before signing the Tenancy Agreement.
- An appropriate Tenancy Agreement must be signed prior to any move taking place.