SHETLAND ISLANDS COUNCIL

Hjaltland Housing Association

Housing Service

Nomination & Section 5 Agreement

Nominations

Introduction

This document outlines the nomination arrangement between Hjaltland Housing Association (HHA) and 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 maximise housing options for applicants in Shetland
- To effectively meet a broad range of housing need
- To create sustainable communities in all areas of Shetland
- To promote equal access to Housing in a fair and transparent manner
- To make best use of social housing stock in Shetland
- To assist in re-housing homeless applicants
- To identify prospective tenants early and minimise void times
- 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.

Liaison arrangements

A senior housing officer from each organisation will have delegated authority to manage the operational elements of this nomination agreement, with provision for another officer to deputise in their absence.

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 the property and the area, and identify their preferred nominee to Hjaltland.

Hjaltland transfer applicants

Where a nomination has been given to SIC Housing, the property will still be advertised to 'HHA transfer applicants only' via choice based lettings. In the event that an existing HHA tenant in exceptional housing need applies for the property, HHA may retain the allocation.

Lower demand areas

Properties in lower demand areas will be advertised for 'all applicants' and dialogue between senior officers of HHA/SIC after the advertisement deadline will determine if the property is to be a nomination to SIC, or an allocation by HHA.

Specially adapted properties

Where a property with adaptations becomes available, the property will be advertised for 'all applicants', to ensure best use of the housing stock. Senior officers from each organisation will discuss and agree if the property is to be a nomination to SIC, or an allocation by HHA.

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.

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.

Section 5

Introduction

Section 5 of the Housing (Scotland) Act 2001 places statutory duties on housing association and other registered social landlords (RSLs) to provide accommodation to homeless people.

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 nomination 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.

SIC acknowledges applicants 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.

SIC will ensure that the applicant 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.

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 offering being verbally refused.

In all cases, written confirmation with 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.

- 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

Dispute Resolution

Where a dispute arises in relation to the Nominations or Section 5 process, the matter will be referred to The Association's Director of Housing and SIC Housing's Team Leader – Housing Management.

In the event this does not deliver a satisfactory outcome, the matter shall be escalated to HHA's Chief Executive and SIC Housing's Executive Manager.

Signed on behalf of Shetland Islands Council Housing Service

Signature: _____

Designation: Acting Executive Manager - Housing

Date: 08/09/2026

Signed on behalf of Hjaltland Housing Association:

Signature: _____

Designation: Director of Housing

Date: 15/09/2026